

6 *K with preface*

L A W S of Maryland,

E N A C T E D

At a Session of Assembly, begun and held
at the City of *Annapolis*, on *Tuesday*
the Thirteenth Day of *March*, in the
Eighteenth Year of the Dominion of
the Right Honourable *CHARLES*,
Lord Baron of *Baltimore*, Absolute
Lord and Proprietary of the Provin-
ces of *Maryland* and *Avalon*, &c. *An-*
noque Domini, 1732.



By *AUTHORITY*.

ANNAPOLIS:

Printed and Sold by *WILLIAM PARRS*. M,DCC,XXXIII.

[Price Two Shillings to those who bought the whole Body of
Laws, and Two Shillings Six Pence to others.]

A. W. S. of Maryland

PRINTED

A Session of Assembly begun and held
at the City of Annapolis on Tuesday
the 17th of December 1794 in the
Year of the Dominion of
the King George the Third 54th
and 55th Years of his Majesty's
said Majesty's Majesty of Great Britain
in the 33rd Year of his Majesty's
said Majesty's Majesty of Great Britain
the following Act was passed



BY AUTHORITY

NEW YORK

Printed and Sold by WILLIAM PARKER, M.D.C.C.XXIII.

Two Shillings to those who bought the whole Body of
Laws, and Two Shillings Six Pence to others.

At a Session of ASSEMBLY, begun and held at the City of ANNAPOLIS, in MARYLAND, the Thirteenth Day of March, 1732, the following Laws were Enacted.

An Act to continue the Procefs and Proceedings in the Provincial Court, and County Courts; and for Tryal of Capital Offences, at the next Provincial Court, to be held the Third Tuesday of May next.

WHEREAS, several of the Attorneys practising in the said Courts, are Members of the Assembly, and obliged to attend their Duty therein:

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of the Upper and Lower Houses of Assembly, and the Authority of the same, That the several Causes, Actions, Pleas, and Proceedings, now depending in the Provincial Court, shall be continued; and are hereby Declared and Enacted to be continued, to such, and so many Provincial Courts, as the Justices of the said Provincial Court shall think fit, not exceeding Two Provincial Courts, after the making this Act; any of which said Two Provincial Courts shall not be reckoned any of the Four Courts for Limitation of Actions; any Act to the contrary, notwithstanding.

AND be it likewise Enacted, by the Authority aforesaid, That the several Causes, Actions, and Proceedings, now depending in the County Courts, shall be continued; and are hereby Declared to be continued One Court, which shall not be reckoned any of the Four Courts for Limitation of Actions; any Act to the contrary, notwithstanding.

AND be it further Enacted, by the Authority aforesaid, That no Assizes shall be held in April next, in any of the Counties of this Province: And that all Issues tryable next April Assizes, shall and may be tryed at the Assizes to be held next September, in the respective Counties of this Province; any Act to the contrary, notwithstanding. And to prevent People accused of Offences, not tryable in the County Courts, from being long detained in Prison; and to the End, their Tryal be not delayed,

BE it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of the Provincial Court, at the next Provincial Court, to order the Sheriff of *Anne-Arundel* County, immediately to summon a competent and sufficient Number of good and lawful Men, *de Circumstantibus*, or of the nearest Inhabitants, to serve as Grand Jurors then; and return a Pannel of them, for the finding of Bills of Indictments, for all Treasons, Murthers, and other Capital Offences: And that the said Sheriff shall and may, by Order of the said Justices of the Provincial Court, then immediately summon a competent and sufficient Number of good and lawful Men, *de Circumstantibus*, or of the nearest Inhabitants, to serve as Petit Jurors; and return a Pannel of them, for the Tryal of any Issue, to be had and tryed upon any such Indictment, before the said Justices of the said Provincial Court; any Act to the contrary, notwithstanding.

PROVIDED always, and be it further Enacted, That no Person or Persons, who hath or have given Notice of any Tryal to be had at next *April* Assizes, shall be burthened with any Costs, for not coming then to Tryal; any Law or Statute to the contrary, notwithstanding.

AND be it further Enacted, That any Witness or Witnesses, who is or are bound, by any Recognizance or Recognizances, to appear at the Assizes, to testify against any Person charged with any Offence not tryable in the County Courts, shall appear to testify, and give his, her, or their Evidence, in the Provincial Court, to be held the Third *Tuesday* in *May* next; any Law, Usage, or Custom to the contrary, notwithstanding.



An

An Act for Emitting and Making Current, Ninety Thousand Pounds, Current Money of Maryland, in Bills of Credit.

WHEREAS Tobacco, the only Staple of this Province, and the principal Dependence of its Inhabitants, hath for several Years past produced so little, that several of the People, not able to get the Necessaries of Life, by the Fruits of their Labour, have been obliged to desert their Habitations; and many more must follow their Example, or be constrained to attempt some other Way of living, less advantageous to the Trade of *Great-Britain*, their Mother-Country, than making Tobacco, unless some Expedient can be found, to remove the Difficulties under which they have long laboured:

AND whereas, the most probable Means to enable the People to discharge their Taxes, and other Engagements now payable in Tobacco, otherwise; and to destroy such ordinary and unmerchantable Tobaccos, which serve only to clog the Markets, and to depreciate the best Sorts of that Commodity, as well as to put the People in a Condition to carry on the Tobacco Trade, to the Advantage of *Great-Britain*, and this Province, is to establish a *Paper Currency*, or Bills of Credit, upon a sinking Fund: Wherefore it is prayed, that it may be Enacted:

AND be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of the Upper and Lower Houses of Assembly, and the Authority of the same, That Bills of Credit, to the Value of Ninety Thousand Pounds, current Money of America, according to an Act of Parliament, made in the Sixth Year of the Reign of the late Queen Anne, For Ascertaining the Rates of Foreign Coins in the Plantations, to circulate for Thirty One Years, from the Commencement of this Act, shall be printed and struck, in Manner and Form following:

THIS Indented Bill of *shall pass Current, for the Sum therein mentioned, in all Payments, according to the Directions of an Act of Assembly of Maryland. Dated in Annapolis, the Day of Anno Dom.*

WHICH Bills shall be of the different Valuations hereafter mentioned; (*to wit,*) Thirty Thousand Bills of Twenty Shillings Value each; Thirty Thousand Bills of Fifteen Shillings Value each; Thirty Thousand Bills of Ten Shillings Value each; Forty Thousand Bills of Five Shillings Value each; Forty Thousand Bills of Two Shillings and Six Pence Value each; Sixty Thousand Bills of One Shilling and Six Pence Value each; Sixty Thousand Bills of One Shilling Value each.

WHICH Bills of Credit shall be signed and numbred by the Commissioners or Trustees appointed to put this Act in Execution; and the Sum of Money that each and every of the said Bills is to pass for,

for, be printed at the Top of each Bill, in Words at Length, with His Lordship's Arms, and the Commissioners Names, on the other Side thereof. And that the Bills of Credit, so signed, shall be kept and deposited in One strong Iron Chest, with Three strong, substantial, and different Locks; and that each Commissioner or Trustee, shall keep a Key; to the End that no Bills of Credit, which shall be signed, be taken out, or disposed of, but by or in the Presence of all the Commissioners or Trustees. And that Counter-Parts of the said Bills of Credit, together with all other Books and Papers relating to the said Office, shall be kept and deposited in One other strong Iron Chest, with so many Locks as the Commissioners or Trustees shall think proper. Which Chests shall be lodged and deposited in the Repository already built for the Publick Records, until some other secure Place can be provided for that Purpose. Which Repository shall be entirely in the Possession of the said Commissioners or Trustees, for the Uses aforesaid, until such other secure Place can be provided.

BE it Enacted, by the Authority, Advice, and Consent aforesaid, That One Office shall be erected at *Annapolis*, under the Management of Three Commissioners or Trustees, to be nominated and appointed by the Right Honourable the Lord Proprietary, or the Governor or Commander in Chief of this Province, for the Time being, to put this Act in Execution; and to remove any of them, in Case of Misbehaviour, or Unfitness to act, when and as often as it shall appear to His Lordship, the Governor or Commander in Chief, that the Welfare of this Province shall require such Removal; who shall be called and stiled Commissioners or Trustees, for Emitting the Bills of Credit established by Act of Assembly; and by that Name and Stile, shall have Continuance and Succession, during the Continuance of this Act, for issuing the said Bills of Credit, and taking Securities for so much of them as shall be lent, according to the Directions of this Act, and for directing, managing, and performing all other Matters and Things hereby enjoined and required to be done and transacted by them, in and relating to the said Bills of Credit, according to the Directions and true Meaning of this Act: And if any of the said Trustees shall happen to die, or be removed by Misfeazance, Incapacity, Unfitness, or for not acting, it shall and may be lawful for the Right Honourable the Lord Proprietary, the Governor or Commander in Chief, for the Time being, from Time to Time, during the Continuance of this Act, to appoint some other fit Person or Persons, in the Place or Places of such Commissioner or Commissioners, Trustee or Trustees, so dying, misbehaving, becoming incapable, unfit, or refusing, as aforesaid; which said Commissioners or Trustees shall be able and capable in Law, to receive, take, hold, enjoy, and retain to them, and their Successors, in the said Trust, all such Lands, Tenements, Rents, and Hereditaments, and all other Real or Personal Securities, of what Nature or Quality soever, as shall be granted them in Mortgage, or given for securing the Repayment of such Sums of Money, as they shall from Time to Time lend and issue, in the said Bills of Credit, and the Interest thereof; and also to sell, grant, alien, and dispose of the same, in Default of Payment, as in and by this Act is provided and directed in those Cases; and by the same Name, to sue and implead, be sued and impleaded, answer, and be answered, in all Cases relating to the said Trust, in all Courts, and other Places whatsoever; and by the Name aforesaid, to do and execute all other Matters and Things that to them shall or may ap-
pertain

pertain to do and perform, pursuant to this Act; subject to the Provisoos, Restrictions, and Limitations herein expressed: And that the said Commissioners or Trustees, for the Time being, shall duly attend at the said Office, every *Wednesday* in every Week, or oftner if requisite, until all Demands for emitting, paying, or borrowing Money in the said Office, be answered; and afterwards, at such Times as their Trust, and the Service of the Publick, may require them, during the Continuance of this Act. And such of the said Commissioners or Trustees as shall undertake and execute the said Trust, shall be allowed for their Service and Trouble therein, after the Rate of One Hundred Pounds each, for the first Year, and for every Year after, Eighty Pounds each, as Commissioners or Trustees for emitting the said Ninety Thousand Pounds, during the Continuance of this Act, out of the said Bills of Credit: But the said Commissioners or Trustees, before they enter upon the Execution of their said Trust, each of them shall enter into Bond, with sufficient Sureties, to One of the Provincial Treasurers, for the Time being, in the Penalty of One Thousand Pounds each, *Sterling*, payable to the Lord Proprietary, conditioned for the Observance of the Trust hereby reposed in them; and shall also take an Oath, before any One Provincial Justice, who is hereby impowered and required to administer the same, in these Words; (*to wit,*)

I A. B. do swear, *That I will, according to the best of my Skill and Knowledge, faithfully, impartially, and truly demean my self, in Discharge of the Trust committed to me, by an Act of General Assembly of this Province, intituled, An Act for Emitting and Making current Ninety Thousand Pounds Current Money of Maryland, in Bills of Credit, according to the Purport and Tenor of the said Act, so as none may be prejudiced by my Consent, Privity, or Procurement.*

So help me God.

AND be it further Enacted, That the said Commissioners or Trustees, after they are so qualified, shall proceed to sign and number the said Bills of Credit, and number Counter-Parts of them, and keep true Accounts, as well of the said Bills which they shall sign and issue out, as also of the Money and Bills which they shall actually receive and pay, pursuant to this Act; which several Accounts, a Committee of both Houses of Assembly shall be appointed, every Session, to inspect and examine; which Committee shall also inspect and examine the Proceedings of the said Commissioners or Trustees, who are hereby required and enjoined to lay a full and fair State of their Proceedings before such Committee; to the End, they may be satisfied, that the Sums for which Bills may be issued, pursuant to this Act, is not exceeded; and may be acquainted, from Time to Time, with the State of the whole Transactions and Affairs relating to the said Office, and of the Management and Behaviour of the said Commissioners or Trustees: Which Committee shall, every Session, report to the Assembly, the State and Condition of the said Office, and the Conduct and Behaviour of the said Commissioners or Trustees; to the End, that any Corruption or Mismanagement may be timely guarded against, and prevented.

AND be it further Enacted, by the Authority aforesaid, That the said Bills of Credit shall pass in Payment, Satisfaction, and Discharge of all Contracts to be made from and after the Publication of this Act, within this Province, for Current Money; and that all, or any of the Inhabitants

tants of this Province, may and are by this Act enabled to discharge all Lawyers Fees and Levies (the Forty per Poll, and all Tobacco directed by any Act of Assembly of this Province to be levied and applied to the building or repairing any Church or Churches, herein excepted) in the said Bills of Credit, or Gold or Silver, rating Tobacco at Ten Shillings *per Cent.* in the said Bills, or Gold or Silver, and all Bounties, Rewards, and Allowances given and allowed by any Act of Assembly of this Province, in Tobacco; and also all Fines, Forfeitures, and Penalties, settled and established in Tobacco, by any Law of this Province, shall and may be paid, satisfied, and discharged, in the said Bills of Credit, or in Gold or Silver, rating Tobacco at Ten Shillings per Hundred, and in Proportion for a lesser Quantity: And all Rates, Duties, and Impositions, upon the Importation or Exportation of any Goods, Wares, or Merchandizes, Servants, and Slaves (the Duties on Tobacco per the Hogshead, Chest, or Case, and Tonnage on Ships or Vessels, and all other Money to become due, or payable to the Right Honourable the Lord Proprietary, not being for the Breach of any Penal Law, or Penalty for any Offence, excepted,) allowing the usual Allowance of Thirty Three Pounds, Six Shillings, and Eight Pence, per Hundred, between Sterling and Currency.

PROVIDED always, That no Person shall be obliged to pay the said Bills of Credit, or Gold or Silver, in Lieu of Tobacco; but that every Person shall be at Liberty to pay Tobacco for the said Levies, Fees, and Penalties, as if this Act had never been made.

AND be it further Enacted, That any Person tendering or offering the said Bills of Credit, in Discharge of any Debt, for current Money, to be contracted, as aforesaid; or the said Bills of Credit, or current Money, in Payment and Discharge of any Levies, (except as before excepted) or the said Fees, or Penalties, shall have and receive the same Benefit and Advantage, from and by such Tender, as if such Tender was made of Gold, or Silver, or Tobacco in Specie; any Law, Usage, or Custom, to the contrary, notwithstanding.

PROVIDED nevertheless, and be it Enacted, That every Person, who shall not tender or pay such Bills of Credit, or Gold or Silver, by the Tenth Day of *April*, Yearly, during the Continuance of this Act, shall be obliged to pay all Levies, and all Persons, who shall not tender the said Bills of Credit, or Gold or Silver, for any Lawyers Fees, when the Causes shall be ended, for any Fees from them justly due and owing, in Tobacco, as if this Act had never been made; any thing therein contained to the contrary, notwithstanding.

AND be it further Enacted, That if at any Time, pending any Action or Suit, on any Bond, or other Contract, for the Payment of current Money, payable by such Bond, or Contract, to be made after this Act shall take Effect, if the Defendant shall bring into Court, where the Action or Suit shall be depending, all the Principal Money and Interest due on such Bond, or other Contract, and effectually secure the Payment of all Tobacco Costs, which shall arise due on such Action or Suit, in the Judgment of the Court where such Action or Suit shall be depending, and shall tender the same Bills of Credit, or Gold or Silver; that upon such Tender, and giving Security for the Costs, as aforesaid

said, the Defendant, or Defendants, in any such Action or Suit, shall be by the Court absolutely discharged therefrom.

AND to the End the said Bills of Credit may be the more useful to the Inhabitants of this Province, and the Circulation of them as speedy and diffusive as possible,

BE it Enacted by the Authority, Advice, and Consent aforesaid, That there shall be Thirty Shillings, in the said Bills of Credit, issued, for every Taxable Person, in each respective County, within this Province; and also Ten Pounds, over and above the said Thirty Shillings, for each respective County, at the County Court to be held next after the said Bills of Credit shall be signed, and ready to be emitted, to the Justices of the several County Courts, to be distributed and disposed of as followeth, *viz.* Thirty Shillings thereof to be paid to every Master or Mistress of a Family, or his or her Order, for such Master, and every Taxable Person to him belonging; and the like Sum for every Taxable Person belonging to any Mistress of a Family, or Mistress of any Servant or Servants, or Slave or Slaves, being a Taxable or Taxables; and also to every other Free Man, being a Taxable, or his Order, the like Sum of Thirty Shillings, in the said Bills of Credit; for which the several and respective County Clerks shall take Receipts, in a Paper Book for that Purpose, to be by them transmitted to the Commissioners or Trustees; for which each respective Clerk shall have and receive Ten Pounds, in the said Bills of Credit.

AND be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person, who shall claim and receive any of the said Bills, for more Taxables than he or she shall really have, or shall give in any Servant or Slave, or other Person, as a Taxable, who shall not then be really a Taxable, according to the Laws of this Province, shall, for every Servant, Slave, or other Person, so given in, or for whom the Bounty intended by this Act of Thirty Shillings per Taxable, shall be claimed, and received, shall forfeit Five Pounds current Money of *Maryland*; to be recovered by any Person who will sue for the same, by Action of Debt, Bill, Plaint, or Information; wherein no Effoyn, Protection, or Wager of Law, shall be allowed.

AND be it further Enacted, That a Sum in the said Bills of Credit, not exceeding Three Thousand Pounds, shall be applyed to purchase convenient Ground for the Use of the Publick, and building a Dwelling House, and other Conveniencies thereon, for the Governor of this Province, for the Time being, to reside in: And Five Hundred Pounds, in each respective County within this Province, shall be laid out in building convenient Goals in the respective Counties, near and convenient to the several Court-Houses; under the Direction and Appointment of the several Representatives of the several Counties, for the Time being: And a Sum, in the said Bills of Credit, not exceeding Five Hundred Pounds, to be applyed towards or in the Repairs of the Publick Buildings, according to the Directions of an Act to be passed this Session.

AND be it further Enacted by the Authority aforesaid, That what shall remain of the said Bills of Credit, and not by this Act particularly applyed, shall and may be by the said Commissioners or Trustees lent out

out upon Interest, in the Manner hereafter directed ; that is to say, any Sum or Sums, upon Mortgage of Messuages, Lands, Tenements, or Hereditaments, or Personal Security, at the Discretion of the said Commissioners or Trustees, to be taken according to the Directions of this Act.

AND be it further Enacted, That upon Application, during the Continuance of this Act, to the Commissioners or Trustees in this Province, by any Person or Persons, having any Bill or Bills of Credit torn or defaced, which may be thought necessary to be renewed, it shall and may be lawful to and for the Commissioners or Trustees, and they are hereby required, without Fee or Reward, to sign and deliver a new Bill or Bills of Credit, to such Person or Persons, in Lieu of such torn or defaced Bill or Bills, for the same Value for which such torn or defaced Bills shall be intended to pass current, at such Time of bringing the same to the said Commissioners and Trustees ; and to cancel and vacate such torn Bills as shall be brought in ; and also to make and keep Counter-Parts of the new Bills, to be so delivered, as herein before directed.

AND for the better Discovery of Incumbrances, which may affect any Messuages, Lands, Tenements, or Hereditaments, to be so mortgaged, it shall and may be lawful for the said Commissioners or Trustees, and such as they shall appoint, from Time to Time, to make Searches in any Offices in this Province, and, if there be Occasion, take Copies or Transcripts of the Dockets, or Notes, of any Judgments, or of Mortgages and Entails, or other Incumbrances, kept in any of the said Offices, without paying any Fee or Reward for the same. And to the End the said Commissioners or Trustees may be the better enabled to perform their said Trust, they shall inform themselves, as well of the clear Value, as of the Titles, of all the Messuages, Lands, Tenements, or Hereditaments, which shall be proposed in Security for the said Bills ; so as to be satisfied, that the said Lands, Tenements, or Hereditaments, are at least double the Value, and Messuages treble the Value, of the Sums requested to be lent ; and then they shall receive and take the same in Mortgage accordingly.

PROVIDE D, Any Person proposing to mortgage Messuages, or Lands, with the Value whereof the Commissioners or Trustees are not acquainted, the next Justice of the Peace to such Messuages, or Lands, shall be obliged, by Virtue of this Act, to appoint Two reputable Freeholders, upon Oath, to be to them administered by such Justice, to value such Messuages, or Lands, and to certify what they believe in their Consciences the true and real Value thereof to be : Which Certificate shall be produced to the said Commissioners or Trustees.

PROVIDE D, That upon all the Loans hereby intended, the Commissioners or Trustees shall take all possible Care, that the Borrower has an indefeasible Estate in Fee Simple, in the Messuages, Lands, Tenements, and Hereditaments, by him or her proposed to be mortgaged ; and that they are free from all former Sales, Gifts, Grants, Mortgages, Entails, and all other Incumbrances, except the Lord Proprietary's Quit-Rents, or other Rents issuing out of the same, and expressly mentioned in the Deed or Deeds thereof. But before the Commissioners or Trustees shall accept of any Mortgage, upon Messuages, Lands, Tenements,

or Hereditaments, subject to the Payment of such Quit-Rents, Ground-Rents, Rent-Charge, or other Annual Payments, they shall duly consider, and, according to the best of their Skill, find out the clear Value of such Messuages, not reckoning on the Rents thereof, at more than Twelve, nor less than Eight Years Purchase; and shall let out upon Loan to the Mortgager, One Third Part of the Value aforesaid, in Bills of Credit, at the Interest of Four *per Cent. per Annum*; and One Half the Value of Lands, Tenements, or Hereditaments; and for such Term as shall be agreed on, not exceeding Seven Years. And that the Person offering any of the said Messuages, Lands, Tenements, or Hereditaments, to mortgage for any of the said Bills, shall, at or before the Time of executing the Deed of Mortgage, declare upon Oath, or solemn Affirmation, in the usual Form, if the Party be a Quaker, (which the Commissioners or Trustees, or any of them, are and is hereby impowered and required to administer) that he or she is really seised of the Premises in his or her own Right, and to his or her own Use; and that the same were not conveyed to him or her in Trust, for the Use of any other Person, nor with Intent to raise any Sum or Sums of Money upon the same, by way of Loan, or otherwise, for the Use of any other Person or Persons whatsoever; and that the Messuages, Lands, Tenements, and Hereditaments, mentioned in the Deed by him or her to be executed, are free and clear from any former or other Gift, Grant, Mortgage, or other Incumbrance, to his or her Knowledge, (excepting the Lord Proprietary's Quit-Rents, or other Charges appearing in his or her Deeds then produced,) which Oath or Affirmation shall be indorsed on the Back of the Mortgage, with the Day and Year of the Caption thereof; for which, the Clerk shall receive Six Pence, and no more.

AND be it Enacted, That any Person, knowingly swearing or affirming falsely, and being thereof convicted by due Course of Law, shall suffer, as in Case of corrupt and wilful Perjury. And for securing the Payment of the Sums or Values to be lent, as directed by this Act, the said Commissioners or Trustees, or any Two of them, shall, in Pursuance of the Trust reposed in them, and as Commissioners or Trustees as aforesaid, and not otherwise, take and receive Deeds of Mortgage in Fee Simple, or sufficient Personal Security, for what they lend; which being executed and acknowledged, or proved and delivered, as herein after directed, shall transfer the Possession of the Messuages, Lands, Tenements, or Hereditaments thereby granted to the said Commissioners or Trustees; and vest the Inheritance thereof in them, and their Successors, for the Uses and Purposes aforesaid, as fully and effectually as Deeds of Feoffment with Livery and Seisin, or Deeds enrolled in any of the King's Courts at *Westminster*, may or can do in *England*; in all which Deeds, the Words grant, bargain, and sell, shall amount to, and be construed and adjudged in all Courts of Judicature, to be express Covenants to the said Commissioners or Trustees, their Successors and Assigns, from the Bargainer or Mortgager, for himself, his Heirs, Executors, and Administrators, that the Mortgager, notwithstanding any Act done by him or her, was, at the Time of the Execution of such Deed, seised of the Messuages, Lands, Tenements, or Hereditaments, and Premises thereby granted, of an indefeasible Estate in Fee Simple, free from all Incumbrances (Rents due to the Lord Proprietary, with the other Rents and Reservation contained in their respective Deeds, only excepted,) and for quiet Enjoyment thereof, against the Mortgager, his or her Heirs and Assigns, and all claiming

ing under him or her, or the former Owners thereof, and also for a further Assurance to be made by the Mortgager, his or her Heirs, as the Case may require; so that the express Covenants are not to be set down at large in any of the Mortgages; but that the said Commissioners or Trustees, and their Successors, in the said Trust respectively, shall and may in any Action to be brought, assign Breaches thereupon, as they might do, in Case such Covenants were expressly inserted in such Deed.

AND be it Enacted, That the said Commissioners or Trustees, or any Two of them, may take Bonds or other Obligations, of able and sufficient Persons, for any of the said Bills of Credit, at the Interest of Four Pounds *per Cent. per Annum*, and so in Proportion for a greater or lesser Sum, payable at such Time as shall be agreed on; which Bonds or Obligations shall be payable to the said Commissioners or Trustees, or their Successors, and shall be of the same Force and Effect, to all Intents and Purposes, as Statutes Merchant, or of the Staple; and shall and may be proceeded on, accordingly.

PROVIDED, That the said Commissioners or Trustees shall not lend any one Person above One Hundred Pounds, at any one Time, or within Six Months; and that all the said Mortgages, or defeasible Deeds being sealed and delivered to the said Commissioners or Trustees, or some of them, in Presence of Two or more credible Witnesses, and proved or acknowledged before any Justice of the Peace in this Province, shall be fairly entred, at the Charge of the Mortgagers, in large Books to be for that Purpose provided and kept by the said Commissioners or Trustees, as herein after directed; an attested Copy of the said Deeds so entered and certified, under the Hands of the said Commissioners or Trustees, for the Time being, or any Two of them, shall be, and is hereby declared to be Matter of Record, and shall be good Evidence to prove the Sale or Mortgage thereby mentioned to be made: And the said Commissioners or Trustees shall, at the proper Cost and Charge of this Province, provide the said Books, of Royal or other large, good Paper, well bound and covered, wherein shall be recorded all the said Deeds of Mortgage, given in Security for the said Bills of Credit, to be lent out as aforesaid; and also all other Books, Paper, Parchment, Ink, Wax, and Wafers, printed Bills, Offices, either by hiring or building, for the Benefit of the Publick, and this Trust, and other necessary Conveniences, for putting this Act in Execution: And for the more regular Management of the Affairs relating to the said Trust, the Commissioners or Trustees are hereby impowered to chose and employ a fit and able Person, who shall give sufficient Security, in the Penalty of One Thousand Pounds Current Money of *Maryland*, payable to the Lord Proprietary, for the faithful Discharge of his Duty, to serve them as a Book-keeper and Clerk, to keep the Books of Account of all their Transactions, and as a Clerk of the said Commissioners or Trustees, during their Pleasure; who shall have a Salary of One Hundred Pounds current Money, for the first Year, and Eighty Pounds afterwards *per Annum*, so long as he shall continue in his Office, and in Proportion for a less Time than a Year, to be paid in the said Bills of Credit; and shall have and receive, for recording every one of the said Deeds, the Sum of Three Shillings; and for every attested Copy thereof, Three Shillings, and no more; and for every Mortgage Deed that he draws, the Sum of Four Shillings, and no more; which said Sums are to be paid by the Mortgager, his Heirs, Executors,

Executors, or Administrators, in full Satisfaction of all Fees and Charges demandable by the said Clerk, for drawing, ingrossing, and recording the said Deeds; and the said Clerk shall also prepare a Bond, of double the Mortgage Money, for every Mortgager to execute, along with their respective Deeds of Mortgage, conditioned for the Payment of the Money borrowed, with the Interest, according to the Proviso or Condition contained in every such Deed of Mortgage; and shall also prepare a Warrant of Attorney, to be at the same Time signed and sealed by every Mortgager or Obligor, empowering such Person or Persons, as the Commissioners or Trustees shall nominate and appoint, to acknowledge or suffer Judgment; which they the said Commissioners or Trustees are hereby required to cause their Attorney to enter, in due Form of Law, in the County Court where the Mortgager or Obligor shall reside, if such County Court can hold Plea thereof, if not, in the Provincial Court, against such Mortgager or Obligor as shall make Default in the Payment of the Mortgage Money, or the Interest thereon due, or any Part thereof, according to the Directions of this Act, and Times of Payment, specified in the Proviso contained in his or her Mortgage Deed, or in the Condition of any such Bond or Obligation, either in Actions of Ejectment, to gain the Possession of the mortgaged Premises, or in Actions of Debt, to be brought upon any of the said Bonds, for Non-performance of the Conditions thereof, or in such Actions of Debt as the said Commissioners or Trustees are hereby required to bring, for the Value of the Bills of Credit which shall be received by the Mortgagers, whose Title to the Lands, Tenements, or Hereditaments, by them mortgaged, shall prove defective, together with the Interest hereby allowed upon such Loans, and Costs of Suit: And the said Clerk shall also insert a Release of Errors, in every of the said Warrants of Attorney; and for the said Bonds, Warrants of Attorney, and Release of Errors, the said Clerk shall have One Shilling, and no more. But before any Person, so chosen to be Clerk, shall enter upon the Execution of his said Office, he shall take an Oath before some Justice of the Peace of *Maryland*, who is hereby impowered and required to administer the same, in these Words:

I A. B. do swear, *That I will truly and faithfully perform and execute the Office and Duty that is directed and required of me, according to a Law of this Province, intituled, An Act for emitting and making current Ninety Thousand Pounds, in Bills of Credit; and that I will keep a just and true Account of the Names of all such Persons as shall apply to the said Office for Bills of Credit; and that I will keep a just and true Account of all the Bills of Credit, which shall be issued out of the said Office, and all other necessary Accounts relating to the said Bills of Credit; and true Entries make of all other Proceedings and Transactions of the Commissioners or Trustees appointed to put the said Act in Execution; and will prepare and record all Deeds of Mortgage, in the same Order of Time as their Applications shall be made, without any undue Preference, unnecessary Delays, or fraudulent Practice whatsoever.* So help me God.

AND be it further Enacted, by the Authority aforesaid, That the said Sums of Money to be so lent upon Mortgage, Bond, or other Security, shall be paid in again, with the Annual Interest, in the said Bills of Credit, or in current Money of America, that is to say, the Principal, at such Times, and in such Proportions, as the Commissioners or

D

Trustees,

Trustees, and the Borrower, shall agree, not exceeding the Time herein before limited, and the Interest of the whole Sum to be borrowed, every Year: And the said Commissioners or Trustees shall indorse the Payment of the Principal and Interest on every Mortgage that shall be discharged; which Indorsement shall, without any Reconveyance, reinvest the Mortgagor, or his Heirs, in his, or their former Estate. And for the better Security of Mortgagers, and Obligors,

BE it Enacted, by the Authority, Advice, and Consent aforesaid, That when any Mortgager shall satisfy all the Money, in Bills of Credit, or Specie, for Principal and Interest, due from him or her, upon any Mortgage, the Mortgage Deed shall not only be delivered up, with a Discharge thereon, as herein before mentioned, but the said Commissioners or Trustees shall also enter a Vacate in the Margin of the Record of such Mortgage, and cross the same: And that when and as often as any Money shall be paid, in Bills of Credit, or Specie, in Part of or towards the Payment and Satisfaction of any Money due upon any Mortgage or Bond, the Commissioners or Trustees shall indorse such Payment, and the Time when it shall be made, on such Mortgage or Bond; and make Entries or Notes thereof, in the Book or Books where such Mortgage shall be recorded.

AND be it further Enacted, That the said Commissioners or Trustees are hereby impowered and required, to lend any of the said Bills of Credit which shall be paid in by any Borrower or Borrowers, and which shall not be actually applied in defraying the necessary Charges of emitting the said Bills of Credit, or otherwise, according to the Directions of this Act, upon Interest, as herein before expressed; to be repaid, with the Interest thereof, as herein before directed.

PROVIDED always, That if any Part of the said Ninety Thousand Pounds be remaining in the said Office, at the End of One Year after this Act shall take Effect, more than shall be necessary to defray the Expences and Charges of the Office, and to answer the several Demands, Sums, and Purposes, herein before mentioned, that then, and in such Case, it shall and may be lawful for the said Commissioners or Trustees, to purchase good Bills of Exchange with so much of the said Bills of Credit as shall not afterwards be taken out, or borrowed upon Interest, as herein before mentioned, allowing One Hundred and Thirty Three Pounds, Six Shillings, and Eight Pence, in the said Bills of Credit, for One Hundred Pounds *Sterling*, payable by Bills of Exchange; and proportionably for any other Sum: Which Bills of Exchange shall be remitted, by the said Commissioners or Trustees, to the Trustees in *London*, hereafter named, or other Persons there, who shall take upon them the Execution of the said Trust; to be negotiated in the same Manner, to the same Use and Purposes, and upon the same Terms, as the Duty on Tobacco, hereafter mentioned.

PROVIDED always, and be it further Enacted, That until some Default shall be made, by the said respective Mortgagers, of or in Payment of the Mortgage Money, or Interest, or some Part thereof, it shall be lawful for them and their Heirs to hold and enjoy the mortgaged Premises, with the Appurtenances; any thing in the Deeds of Mortgage, or in this Act contained, to the contrary, notwithstanding: But
if

if Default shall be made, or suffered, by any of the said Mortgagers or Obligors, their Heirs, Executors or Administrators, of or in Payment of any of the said Yearly Payments or Sums, whether in Part of the Principal or Interest, which they or any of them should have paid, on the Days and Times, and in Manner and Form, as in and by their respective Deeds of Mortgage or Obligations shall be specified, it shall and may be lawful, to and for the said Trustees, for the Time being, at their Discretion, either to take their Remedy by Course of Law, as herein above directed; and proceed to take the mortgaged Lands and Hereditaments in Execution, as herein before mentioned, within Two Months next after the Days whereon the same ought to be paid, according to the several Provisoes or Conditions in their Deeds or Obligations respectively contained, and to enter upon the Lands, Houses, Rents, and Hereditaments, in the same Deeds specified, and expose the same to a Publick Sale; and thereupon sell and convey the same Lands, Hereditaments, and Premises, to the best Purchaser; and out of the Money arising by such Sale, detain and keep the Monies to them due thereon, to the Uses and Purposes aforesaid, and all Costs and Charges relating thereto; returning the Overplus, if any be, to the Owners of such Lands and Hereditaments; and that then, and in such Case, the Owners of such Lands and Hereditaments shall stand absolutely foreclosed from all Equity of Redemption of the same; or to proceed on any such Obligation or Obligations, as upon a Statute-Merchant, or of the Staple; and that no Sale, which shall be made by Virtue of this Act, shall be extended to create any farther Estate to the Vendees, than the Lands or Hereditaments, so sold or delivered, shall appear to be mortgaged for, by the said respective Mortgages, or defeasible Deeds.

PROVIDED also, That it shall and may be lawful, to and for the said Commissioners or Trustees of the Office aforesaid, or any Two of them, to let out upon Loan, in such Manner as they shall think best, any Sum of the said Bills of Credit, upon Security of good Plate; to be delivered to them, at the Value of Five Shillings current Money of *America, per Ounce*, and at the Interest of *Four per Cent. per Annum*; to be paid in again to the said Trustees, within the Space of Twelve Months; and in Case of Non-payment, to sell and dispose of the said Plate, for the most it will yield; returning the Overplus, if any be, to the Owner thereof, after Payment of the Principal and Interest, with the Charges.

PROVIDED always, That if any Person or Persons, who shall take up or borrow any of the said Bills of Credit, upon Mortgage or other Security, shall at any Time, before the Sum so borrowed or taken up shall become due and payable, by such Mortgage or other Security, pay down the Principal Sum so borrowed, and all the Interest thereof, that then, and in every such Case, the Commissioners or Trustees shall receive the same; and deliver up and discharge such Mortgage, or other Security; and enter a Vacate thereof, and cross the same, as herein before directed; any thing in this Act to the contrary, notwithstanding.

AND, for the better supporting the Credit of the said Bills, *Be it Enacted, by the Authority, Advice, and Consent aforesaid*, That there shall be a Duty of One Shilling and Three Pence, *Sterling*, paid to the several Naval Officers, for every Hoghead of Tobacco, and upon every
Four

Four Hundred Pounds of Tobacco, be it in Chest or Case, which shall be exported out of this Province, from and after the Twenty Ninth Day of *September* next, by the several Masters of Ships, or other Vessels, exporting the same, in Bills of Exchange, for and during the Space of Thirty One Years, next ensuing the said Twenty Ninth Day of *September*: For the Payment whereof, the several Naval Officers shall be obliged to take good and sufficient Security, from all Persons exporting any Tobacco out of this Province, as in Case of any other Duty now payable; for which Duty, the Naval Officers, and their Sureties, already given or to be given, shall be answerable and chargeable; for which the said Naval Officers shall be allowed the usual Salary or Commission as they have, and by Law are allowed, for collecting other Duties; to be paid them in Bills of Credit, with the usual Difference between *Sterling* and Currency, of Thirty Three Pounds, Six Shillings, and Eight Pence, *per Cent.* which the said Naval Officers are hereby impowered to retain in their Hands, out of any other Duty which they shall receive in current Money, or Bills of Credit; and which shall be allowed them in their Accounts.

PROVIDED always, That in Case any Tobacco, for which the said Duty shall be paid, shall be lost in the Exportation thereof, from this Province; that then, and in every such Case, the Proprietor or Person who shall have paid the aforesaid Duty for such Tobacco, shall and may export the like Quantity, Duty free; to be allowed by the Naval Officer who shall receive the Duty.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the Bills of Exchange to be received for the said Duty of One Shilling and Three Pence per Hogshead, or Case, or Chest, shall be remitted to the Persons hereafter nominated and appointed; to be by them negotiated and disposed of, according to the Directions of this Act.

AND be it Enacted, by the Authority aforesaid, That the Duty of One Shilling and Three Pence per Hogshead, so to be collected and levied, as aforesaid, by the several Naval Officers, shall be, with all possible Speed, after Receipt thereof, remitted to Mr. *Samuel Hyde*, Mr. *William Hunt*, and Mr. *Robert Cruickshank*, Merchants in *London*, or any Two of them, or other Persons, or the Majority of them, who shall be intrusted and appointed Trustees in *London*, according to the Directions of this Act, for receiving and laying out the same, in such Manner, and for such Uses, Intents, and Purposes, as are herein after-mentioned and declared; and the said Naval Officers are hereby directed and enjoined, to produce and lay before the General Assembly of this Province, Yearly, and every Year, Accounts of their Receipts of the said Duty, and in what Manner they shall have remitted the same to *London*; which Accounts shall not be received, unless respectively proved upon Oath, to be just and true.

AND be it further Enacted, That the said *Samuel Hyde*, *William Hunt*, and *Robert Cruickshank*, the Trustees herein before-mentioned, or any Two of them, or any other Trustees, for the Time being, who shall be appointed by Virtue of this Act, or any Two of them, shall, and they are hereby authorized and directed, to lay out the Moneys so to them

them to be remitted by the said Naval Officers, as aforesaid, Yearly, and every Year, as soon as they receive the same, or as soon after as they conveniently can, in the Purchase of Bank Stock; which Purchase they shall declare to be, and they shall procure the same to be entered in the Books of the Company, to be for the Use, and in Trust, for the Province of *Maryland*; and the said before-mentioned Trustees, are hereby also empowered and authorized to receive the growing Interest or Dividends on the said so purchased Stock, Yearly, and every Year, as the same shall grow due and payable; which Interest and Dividends, so by them received, they shall immediately lay out in the Purchase of Bank Stock, and also receive the Interest and Dividends thereof; so as Interest upon Interest may be made, as much as may be, of the Principal Monies or Duties re-remitted from this Province, according to the true Intent and Meaning hereof. And the said Trustees are hereby directed and enjoined, to transmit their Accounts to the Commissioners or Trustees in this Province, Yearly, and every Year, of the Receipt of the Monies from the said Naval Officers; and in what Manner they shall have laid out the same; and how much Stock is Yearly purchased, for the Use, and in Trust, for this Province; with proper Testimonials from the Bank, of such Entries and Transfers: Which Accounts and Testimonials shall be Yearly inspected, and laid before both Houses of Assembly; in which Accounts, there shall be allowed to the said Trustees, for their Trouble and Commission in receiving the said Monies, and laying out the same, in Manner aforesaid, Two Pounds *per Cent.* and no more.

AND whereas, for the better Security of the Fund intended by this Act to be raised, and lodged in the Bank of *England*, as well as for the more effectual Execution of the Trusts reposed in the Trustees, who shall be from Time appointed and intrusted to manage and transact any Parts of the Trusts mentioned to be transacted in *England*, His Lordship, the Right Honourable the Lord Proprietary of this Province, hath been pleased, at the Desire and Application to His Lordship, of both Houses of Assembly, for that Purpose, to signify his Willingness and Condescension, to take upon himself the Trusts, and Care, of super-intending and directing the Conduct and Behaviour of such Trustees; and which Goodness in His Lordship is most gratefully acknowledged:

*BE it therefore Enacted, by the Authority, Advice, and Consent aforesaid, and it is hereby declared, That, as well in the purchasing the said Bank Stock, and in making all Entries or Transfers thereof, in the Bank Books, as in the Sale of the same, or any Part thereof, for the Benefit and Use of this Province, the said Trustees, and every of them, shall from Time to Time, consult with, and procure the said Approbation of the said Lord Proprietary, for such their intended Proceeding: And that no such Stock shall be sold until such Approbation had: And also, that the said Trustees, and every of them, shall be subject to the Control and Direction of His Lordship, in the Execution of the Trusts to them committed; and shall, from Time to Time, acquaint Him with any Proceeding or Transaction they intend, in the same Trusts. And further, it shall and may be lawful, to and for His said Lordship, from Time to Time, and as often as he shall think proper, to remove and displace any of the Trustees, in *England*, from the Execution of all or any Part of the Trusts to him or them committed; and nominate and appoint other Person or Persons, in his or their Places, or in the Place*

and Stead of any of the Trustees mentioned in this Act, in Case of Refusal, or Death: All which said Person or Persons, so to be nominated and appointed, shall be, and is and are, hereby declared to be vested and impowered with the same Authorities, in the Execution of all the Trusts in this Act, as the Person or Persons, in whose Room or Place he or they should succeed, were at any Time vested or impowered with, by Virtue of this Act: Which said Removal, and Nomination, shall continue, and be available, for the Execution of the Trusts committed to the Trustees in *England*, until the same shall be altered by the Assembly of this Province.

*AND be it further Enacted, by the Authority aforesaid, That after the End of Fifteen Years, after the Twenty Ninth Day of September next, to wit, the Twenty Ninth Day of September, which shall be in the Year of Our Lord, One Thousand, Seven Hundred, and Forty Eight, any Person or Persons, who shall have the Property in, or the Possession of, any Number or Quantity of the said Bills of Credit, shall be hereby entituled, upon producing the same before the said Commissioners for emitting the said Bills of Credit, to have, demand, and receive, from the said Commissioners, the full Third Part of the Value of the said Bills so produced, as aforesaid, to be paid to the said Person or Persons so producing the same, in Bills of Exchange; to be drawn by the said Commissioners for emitting the said Bills of Credit, upon the said Trustees residing in London, in Manner and Form following; that is to say, Upon any Person or Persons producing to the said Commissioners for emitting the said Bills, any Number or Quantity of the said Bills, and demanding Payment of the Third Part of the Value thereof, the said Commissioners are hereby directed, impowered, and authorized, to take the said Bills of Credit, so produced as aforesaid, and cancel, and vacate the same: And thereupon the said Commissioners are to sign and deliver to the Person or Persons aforesaid, new Bills of Credit, to the Amount and Value of Two Third Parts of the Bills of Credit so cancelled and vacated, as aforesaid: Which said new Bills of Credit, the Commissioners shall cause to be signed at the Top of each of the same, with the Words, *New Bill*; thereby to prevent any Fraud which may be intended to be practiced, by twice, or oftner producing and demanding Payment of One Third Part of the same Bills of Credit, contrary to the true Intent and Meaning of this Act. And the said Commissioners are hereby further directed, impowered, and authorized, to draw One or more Setts of Bills of Exchange, in the usual Manner or Form of Bills of Exchange, payable at Forty Days Sight, to any Person or Persons, or his or their Order, to the Value or Amount of the other Third Part of the said Bills of Credit, so cancelled, or vacated, as aforesaid: Which said Bills of Exchange shall be drawn upon the said Trustees, residing in *London*; and in the Body of each respective Bill of Exchange, it shall be directed, that the Monies to be paid, shall be placed to Account of the Province of *Maryland*. Which said Bills of Exchange, the said Commissioners shall deliver to the Person or Persons so producing the said Bills of Credit, so cancelled, and vacated, as aforesaid, in full Satisfaction and Payment of the other Third Part of the Value of the said Bills of Credit, so cancelled and vacated, as aforesaid. *Provided nevertheless, That no Person or Persons, shall be entituled to the Payment of One Third of the Value of any Number or Quantity of the said Bills of Credit, in Manner and Form aforesaid, except he or they produce the same, and demand such Payment, at some or**

any Time, between the said Twenty Ninth Day of *September*, which shall be in the Year One Thousand, Seven Hundred, and Forty Eight, and the Twenty Ninth Day of *March*, which shall be in the Year One Thousand, Seven Hundred, and Forty Nine; any thing herein before, to the contrary, notwithstanding.

AND, for the sure Payment of the said Bills of Exchange, so drawn by the Commissioners for emitting the said Bills of Credit, as aforesaid, in Manner and Form aforesaid,

BE it Enacted, by the Authority aforesaid, That the said Trustees, residing in London, shall, and they are hereby directed and enjoined, to accept, in the usual Form, all and every the said Bills of Exchange immediately upon the Tender and Presentment of the same: And, to enable the said Trustees to pay the said Bills of Exchange, at the Time the same shall become due, they the said Trustees are hereby directed, empowered, and authorized, at any Time between the Acceptance of the said Bills of Exchange, and the Time of Payment thereof, to sell and dispose of any Quantity of the said Bank Stock, for the best Price that can be had for the same, thereby to raise Monies for the Payment of the said Bills of Exchange.

AND be it further Enacted, That all the Residue of the said Bills of Credit which shall remain uncanceled, and shall be produced to the said Commissioners or Trustees, at the End of the remaining Sixteen Years of the Thirty One Years, limited by this Act, for the Circulation of the said Bills of Credit, shall be cancelled and vacated; and that the Possessors or Proprietors of such Bills of Credit shall be satisfied and paid for them, as herein before expressed; and that the Trustees in London, shall accept and discharge the Bills of Exchange to be drawn upon them for that Purpose, and raise the Money contained in such Bills, by Sale of the Stock, in the same Manner as herein before-mentioned.

AND be it Enacted, by the Authority aforesaid, That when the said Bills of Credit, amounting to Ninety Thousand Pounds Current Money of Maryland, shall be destroyed and cancelled, as aforesaid, and the said Sum shall be satisfied and paid, as herein before-mentioned, and the Trust herein before-mentioned be fully and faithfully executed; that then, and from thenceforth, the said Commissioners or Trustees, their Heirs, Executors, and Administrators, and their Sureties, shall be, and for ever stand absolutely exonerated and discharged from all Troubles, Suits, Costs, Damages, and Charges whatsoever, as Commissioners or Trustees aforesaid, or as Bondsmen or Sureties for the said Commissioners or Trustees,

PROVIDED always, That no Commissioner or Trustee, or any of their Sureties, shall be liable, by any Bond to be taken by Virtue of this Act, for any other Fault or Miscarriage in the Execution of any of the Trusts committed to the Trustees or Commissioners in this Province, than such as shall happen in the Time or Times of the Continuance of the respective Trustee or Commissioner in such Trust.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Money which shall remain in Bank, of the Fund established by this Act, for sinking the said Bills

Bills of Credit, and the Interest thereof, and the Money lent on Mortgages, Bond, or Securities, as aforesaid, and the Interest arising by the Loan of any of the said Bills of Credit, after all the said Bills of Credit shall be sunk and discharged, shall be applied and disposed of in such Manner and Form, as the Assembly of this Province shall direct and appoint. And to prevent the said Bills of Credit being counterfeited,

BE it Enacted, by the Authority aforesaid, That any Person who shall counterfeit the said Bills of Credit, and his, her, or their Aiders or Abettors, and shall be thereof convicted, by due Course of Law, shall suffer Death, as a Felon or Felons, without Benefit of Clergy; and also, that any Person who shall pass any such counterfeit Bill or Bills of Credit, knowing the same to be counterfeit, shall also suffer Death, as a Felon, without Benefit of Clergy: And, that all Magistrates, and others, into whose Hands any counterfeited Bills may happen to come, shall forthwith deliver the same to One of the said Commissioners or Trustees, who shall cause the Names of those that delivered them, and of the Persons from whom they were taken, to be indorsed on the Back thereof; which Bills shall be safely kept in the said Office, and be forthcoming, when there may be Occasion to make Use of the same.

AND it is hereby Declared, and Enacted, by the Authority aforesaid, That this present Act shall be taken and allowed in all Courts within this Province, as a Public Act; and all Judges, Justices, and other Persons concerned therein, are hereby required to take Notice thereof, as such, without pleading the same specially.

AND, the better to prevent the Exportation of trashy, ordinary, and unmerchantable Tobacco, *Be it Enacted, by the Authority, Advice, and Consent aforesaid,* That every Master or Mistress of a Family, shall be, and is by this Act required, to burn, or cause to be burnt, in the Presence of such Person or Persons as shall be appointed by Virtue of this Act for that Purpose, on or before the Last Day of *July*, which shall be in the Year of our Lord, Seventeen Hundred, Thirty and Four, the Quantity of One Hundred and Fifty Pounds of Tobacco, to be tied up into Bundles, dry enough to pack, of the most ordinary Sorts of Tobacco, for every such Master of a Family, or other Person, having any taxable Servant or Slave, and every taxable Person to him belonging; and the like Quantity of One Hundred and Fifty Pounds of Tobacco for every taxable Person belonging to any Woman, who shall be an House-keeper, or Mistress of any Servant or Slave, Servants or Slaves, being a Taxable or Taxables, and also for every House-keeper, or other Person, being a Taxable; and the like Quantity of One Hundred and Fifty Pounds of Tobacco, of the like Quality, on or before the Last Day of *July*, Seventeen Hundred, Thirty and Five, for every taxable Person, as herein before-mentioned: And that every Person who shall fail to perform what is required by this Act, shall, for every One Hundred and Fifty Pounds of Tobacco thereby appointed to be burnt, and which shall not be so burnt, be fined Twenty Shillings current Money of *Maryland*; to be applied to defray the Charge of emitting and negotiating the said Bills of Credit.

AND be it Enacted, by the Authority aforesaid, That the Justices of the several and respective County Courts, at their several Courts to be held in the Month of *March* next, shall appoint Two substantial and reputable

putable Freeholders, not being Members of either House of Assembly, Clergymen, Sheriffs, or practising Physicians, in every Hundred, in their respective Counties, who shall, by Virtue of their Office, and this Act, take Copies of the several Lists of Taxables, returned by the several Constables, in the County Courts, the preceeding Year; which said Lists, the several County Clerks are hereby required to deliver unto them, within Twenty Days after such their Appointment; and that the Persons so to be appointed, shall take the following Oath, or Affirmation, if a Quaker.

I A. B. do swear, or affirm, *That I will well and truly execute the Powers and Authorities to me given, by an Act, intituled, An Act for Emitting and Making current Ninety Thousand Pounds Current Money of Maryland, in Bills of Credit, without Favour or Affection, Partiality or Curruption, to the utmost of my Power, Skill, and Knowledge.*

PROVIDE D always, That no Person who shall be so appointed, shall be deemed or taken to be an Officer, or subject to any Pains, Penalties, or Forfeitures, for not taking the Oaths to the Government, as a Qualification, to put this Act in Execution.

AND be it Enacted, That the Persons so to be appointed, shall, between the Last Day of *May*, and Last Day of *July*, in the respective Years aforesaid, of Seventeen Hundred Thirty Four, and Seventeen Hundred Thirty Five, either together, or one of them to one Part, and the other to the other Part of their Hundreds, at their Discretion, repair to the Dwelling-house, or Place of Abode of every Inhabitant, within their respective Hundreds, and require every such Person to produce the several Quantities of Tobacco herein before-mentioned; which the said Persons, or either of them, shall cause to be burnt in his or their View: And that the respective Inhabitants shall be obliged to find and provide Fuel for that Purpose, and to burn, or cause such Tobacco to be burnt and destroyed, in the Presence of the Person or Persons to be appointed, as aforesaid: And that such Person or Persons shall give a Certificate or Certificates of the Quantities of Tobacco to be so burnt; which Certificates may be compared with the Constables Lists of Taxables, in Order to discover any Frauds, when there shall be any Suspicion of any Fraud being committed, contrary to the true Intent and Meaning of this Act. And that the said Person or Persons, so to be appointed to put this Act in Execution, shall return to their respective County Courts, a List or Lists of such Person or Persons as shall refuse or neglect to burn the Quantities of Tobacco herein before-mentioned; which List to be so returned, shall, by such Person or Persons sworn, or affirmed, to be true, and deemed to be full Evidence, to prove a Breach of this Act, unless such Certificate shall be contradicted and falsified by the Testimony of Two legal and indifferent Witnesses, upon Oath, or Affirmation.

AND be it further Enacted, That the said Commissioners or Trustees, upon every Person so to be appointed, producing or sending to them, a Certificate of such Appointment, and a Testimonial from any one Justice of the Peace, or of Two honest and reputable Persons, of the same County with such Person, that he has honestly executed his Duty, according to the Tenor of this Act, shall pay to every such Person,

or his Order, Six Pence, in Bills of Credit, for every Hundred and Fifty Pounds of Tobacco.

AND be it further Enacted, That any Person, who shall be appointed, as aforesaid, and who shall refuse to act, not being disabled by Age, Sickneſs, or other Infirmary, to be proved to the Satisfaction of the Juſtices of the County Courts, ſhall forfeit and pay a Fine of Ten Pounds current Money of *Maryland*; to be applied, as aforesaid. And that in every ſuch Caſe, or in Caſe of the Death, Disability, or Removal of any Perſon or Perſons who ſhall be ſo appointed, and ſhall act, that then, in the Vacation, any One or Two Juſtice or Juſtices ſhall appoint another or other ſubſtantial and reputable Perſon or Perſons, in the Stead of the Perſon or Perſons ſo dead, diſabled, reſuſing, or removed: And that the Perſon or Perſons, to be ſo appointed, ſhall be obliged to take the Oath, or Affirmation, herein before mentioned; and to execute and perform the ſame Duty, as if appointed by the Juſtices of the County Courts, in Court, under the ſame Fine and Penalty as herein before expreſſed; and ſhall be entituled to the ſame Reward and Satisfaction, as if ſo appointed.

PROVIDED always, and it is the true Intent and Meaning of this Act, That if it ſhall be more convenient to any of the Inhabitants of this Province, to burn and deſtroy the Quantities of Tobacco, herein before mentioned, in ſome other Hundred than where ſuch Inhabitant ſhall reſide, it ſhall and may be lawful, in every ſuch Caſe, that ſuch Tobacco ſhall be burnt before, and in the View of, the Perſon or Perſons appointed to put this Act in Execution, in ſuch Hundred; who ſhall give a Certificate thereof to every ſuch Inhabitant.

AND provided alſo, That any Perſon, having ſeveral Plantations whereon Tobacco ſhall be made by Taxable Perſons, ſhall not be obliged to remove any Tobacco, in Order to be burnt, from ſuch Plantation; but that the ſame may be burnt where it ſhall be made; any thing in this Act to the contrary, notwithstanding.

A Supplementary Act, to the Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof.

WHEREAS the Dominion of His Maſteſty, the Government of His Lordſhip, and the Properties of the Inhabitants of this Province, ought to be guarded with ſuch ready Defence, as might be able to reſiſt any ſudden Invaſion, or Hoſtile Attempt: And whereas the ſeveral Proviſions hitherto intended by the Legiſlature of this Province, as well as the ſeveral Sums of Money laid out in the Purchase of Arms, and Ammunition, for thoſe Purpoſes, have not had the deſired Effects, in a proper Regulation of the Militia of this Province, by Reaſon of ſome Defects in the Laws already made:

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of the Upper and Lower

Lower Houses of Assembly, and the Authority of the same, That any Colonel, Lieutenant-Colonel, or Major, already commissioned, or hereafter to be commissioned, by the Governor or Commander in Chief, for the Time being, or any Two, or more of them, shall have the same Powers and Authorities, in the Execution of any Laws now in Force concerning the Militia, as the Colonel, Lieutenant-Colonel, or Major, intended by the said Laws, are invested with: *Provided*, the Number of such Officers, who shall at any Time act, or execute any Part of the same Laws, be the same as is directed for such Purposes, by the said Laws.

AND be it further Enacted, by the Authority aforesaid, That his Excellency the Governor or Commander in Chief, for the Time being, shall and may, at any Time or Times, as to him shall seem meet, cause or order to be delivered out of the Publick, or County Magazine or Store, such and so many Arms as to Him shall seem proper, to the Colonel of each County, and the Captain of every Company, within any Town or Corporation of this Province: For which said Arms, the said Colonel and Captain, shall give his and their Receipt and Receipts; which said Receipt and Receipts shall be recorded in the Council-Book of this Province; and the Record thereof allowed as good Evidence against such Colonel or Captain; and shall account with and be answerable to the Governor or Commander in Chief, for the Time being, from Time to Time, for the same, or the Value thereof, or of so many as shall not be produced to His Excellency the Governor or Commander in Chief, for the Time being, or to such Person or Persons as shall be appointed by the Governor or Commander in Chief, for the Time being, for such Purpose, when He or they shall demand the same, in as good Order and Condition as they ought to be: Which Condition and Value, shall and may be adjudged and determined by his Excellency the Governor, or Commander in Chief, for the Time being, or by such Person or Persons as shall be appointed by the Governor or Commander in Chief, for that Purpose: Which Value, being so determined, such Colonel shall pay to his Excellency the Governor, or Commander in Chief, for the Time being, or to such Person or Persons as shall be appointed by the Governor or Commander in Chief, for that Purpose; to and for the Purchase of Arms, and Ammunition, for the Use of the Regiment or Regiments in the respective County to which the said Colonel belongs. And upon the Neglect or Refusal of such Colonel or Captain, to pay such Value, it shall and may be lawful, to and for His said Excellency, or Commander in Chief, or such Person or Persons as shall be appointed by the Governor or Commander in Chief, for that Purpose, to certify such Neglect, or Refusal, under his or their Hands, to the Clerk of the respective County, and require the same Clerk to issue an Execution for such Value, against the Body, Goods, or Chattels, of such Colonel or Captain: Upon which Certificate, such Clerk is hereby ordered, to issue an Execution accordingly, directed to the Sheriff of the said County, or Coroner thereof, if the said Colonel or Captain should be the Sheriff thereof at that Time, to levy the Sum amounting to such Value, on the Body, Goods, or Chattels, of such Colonel or Captain; which said Execution, the Sheriff, or Coroner, of each respective County is hereby directed and required to serve and execute: And the Money which shall be paid to the said Sheriff, or Coroner thereon, he, the said Sheriff, or Coroner, shall deliver and pay, once in every Year, to his Excellency the Governor or Commander in Chief, for the Time being, for the
Uses

Uses aforesaid. And if the said Sheriff, or Coroner, shall, by Virtue of such Execution, execute or seize any Goods of such Colonel or Captain, then the said Sheriff, or Coroner, shall forthwith cause the same to be appraised by Two Appraisers, to be sworn before one Justice of the Peace of the same County, to appraise the same, according to the best of their Knowledge; which said Goods shall, after such Appraisement, be sold by the said Sheriff, or Coroner, at a Publick Auction, to the best Bidder: And the Value, for which they were so taken in Execution, shall be paid, once in every Year, by the said Sheriff, or Coroner, to His Excellency the Governor or Commander in Chief, for the Time being, for the Uses aforesaid; and the Remainder (if any) returned to the Owner of such Goods.

A N D, in Order that such Colonel who shall or may be obliged to be answerable, as aforesaid, may have a Recompence for Arms spoilt or lost, as aforesaid, by the Fault or Negligence of any other than himself,

BE it Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for every Colonel of a County to deliver, or cause to be delivered, to every Lieutenant-Colonel, Major, or Captain, who may have a Troop or Company in his County, so many Arms as may be necessary and proper for such and so many Men as he shall think fit, in his the said Colonels, Lieutenant-Colonels, Majors, or Captains Troop, or Company; and shall take a Receipt from every Lieutenant-Colonel, Major, or Captain, for such Arms: And for which Arms, or any Part thereof, every respective Lieutenant-Colonel, Major, or Captain, shall be accountable to the Value thereof; to be set and rated by his Excellency the Governor or Commander in Chief, for the Time being, or by such Person or Persons, as shall or may be appointed by the Governor or Commander in Chief, for such Purposes, as aforesaid, to the Colonel of the said County; in Case the said Arms, or any Part thereof, shall not be produced in such Order or Condition as they ought to be, to the said Colonel, when the same shall be demanded and required: And which said Condition and Order, shall be determined by His Excellency the Governor, or Commander in Chief, for the Time being, or some Person authorized by him; and the Value thereof certified by the said Governor or Commander in Chief, or by such Person or Persons as shall be appointed by the Governor or Commander in Chief, for that Purpose, to the County Clerk as aforesaid, requiring him to issue such Execution, as aforesaid, and directed to the Coroner, (if the said Lieutenant-Colonel, Major, or Captain, should be Sheriff,) otherwise, to the Sheriff, as aforesaid, for the Use of such Colonel, against the Body, Goods, and Chattels of the Lieutenant-Colonel, Major, or Captain, who cannot produce such Arms, as aforesaid; which Execution shall issue, and be executed, as aforesaid, and the Money arising thereby, shall be paid to the Colonel of the County, for his own Use.

A N D, in Order that any Colonel, Lieutenant-Colonel, or Major, who may have a Troop or Company in the Regiment, and every Captain either of a Troop of Horse, or a Company of Foot, may be indemnified for what may happen in the Loss or Damage of the Arms, by Fault or Negligence of the Men in their respective Troop or Company,

BE it Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for every Colonel, Lieutenant-Colonel, Major, and Captain, who may have a Troop, or Company, as aforesaid, to deliver, or cause to be delivered, to such and so many Person and Persons, who are or shall be enlisted or inrolled in his or their Troop or Company, within this Province, such Arms as the respective Colonel, Lieutenant-Colonel, Major, or Captain shall think proper, for such Person or Persons in his respective Troop or Company to have: And which Arms such Person or Persons are hereby obliged and directed to receive; and to give a Receipt for the same, to such Lieutenant-Colonel, Major, or Captain, under Penalty of Two Hundred Pounds of Tobacco; which said Penalty shall be recovered against such Person or Persons.

AND such Execution shall be issued by the Clerk of the respective County, on the Certificate of the respective Colonel, Lieutenant-Colonel, Major, or Captain, certifying the Refusal to accept, and give a Receipt for such Arms, as aforesaid, directed to the Sheriff, (or Coroner, if the Person refusing should be Sheriff:) And which Execution shall be served, and the aforesaid Sum of Two Hundred Pounds of Tobacco, levied by the Sheriff, or Coroner, of the respective County, in Manner as before directed; and such Sum, when levied, shall be paid, once in every Year, to the Governor, or Commander in Chief, for the Time being, for the Uses afore-mentioned. And in Case such Person or Persons cannot produce such Arms so received, in as good Order and Condition as they ought to be, when he or they shall be required, by the respective Colonel, Lieutenant-Colonel, Major, or Captain, who may have a Troop or Company, as aforesaid, then it shall and may be lawful, for His Excellency the Governor, or Commander in Chief, for the Time being, or some Person authorized by Him, upon Application to Him made, by such Colonel, Lieutenant-Colonel, Major, or Captain, to assess, and value such Arms, so not produced: Which Valuation shall be certified by His Excellency the Governor, or Commander in Chief, for the Time being, or such Person as shall be appointed by the Governor, or Commander in Chief, for that Purpose, to the Clerk of the respective County, directing him to issue an Execution for such Value, against the Body, Goods, or Chattels, of such Person, or Persons, not producing the Arms, as aforesaid, to the Colonel, Lieutenant-Colonel, Major, or Captain for the proper Use of such Colonel, Lieutenant-Colonel, Major, or Captain: Which Execution shall be directed to the Sheriff, or Coroner, if such Person shall be Sheriff, and shall be executed; and the Value levied, and raised, in Manner afore directed, by the Sheriff, or Coroner, of the respective County; and the same shall be paid to the proper Colonel, Lieutenant-Colonel, Major, or Captain, for his own Use and Benefit.

AND whereas there are, and may be, several Companies in Towns, independant of the Authority or Command of the Colonels of the respective County, or Counties,

BE it Enacted, by the Authority aforesaid, That the Captain, Lieutenants, and Ensign, or any Two of them, shall have the same Powers and Authorities, to execute this, or any other of the Laws now in Force within this Province, relating to the Militia thereof, in and over their Company or Companies, in as full and ample Manner, as the Colonel,
G Lieutenant-

Lieutenant-Colonel, or Majors, or any Two of them, can or may do, in and over their respective Regiments, Troops, or Companies, by Virtue of this or any other Law now in Force.

AND also, That the Captain or Captains of such Company or Companies, within such Town or Towns, shall receive proper Arms from, and be liable and accountable to, His Excellency the Governor, or Commander in Chief, for the Time being, for such Arms, in the same Manner as is before by this Act directed, with Regard to the Colonel: And the Value of the Arms not produced, as aforesaid, shall be set, proceeded for, levied and applied, in the same Method afore-mentioned in Relation to the Colonel; and the respective Men shall be liable and accountable to such Captain for such Arms, not produced, as aforesaid, in the same Manner as directed by this Law with Regard to the Men in any Troop or Company in the County; and the Value shall, in the like Manner, be set, proceeded for, and levied; but it shall be paid to the Captain, by the respective Sheriff, for his own Use and Benefit.

AND, to the End that every Person so inlisted or inrolled, at the Time of their Training Exercise, or other Duty in the Militia, may improve, and render themselves fit for Duty and Service, if Occasion should require,

BE it Enacted, by the Authority aforesaid, That every Person or Persons so inlisted or inrolled, shall, at the Time and Place of Training, and in the Performance of their Exercise, behave him or themselves decently, and in a Manner suitable to the Attention and Care requisite in such Exercise, under the Penalty of One Hundred Pounds of Tobacco, or Ten Shillings current Money, for every such Misbehaviour; which shall be determined by any Two Field Officers of the County, either upon their own View, or Representation of the Commanding Officer then present, and certified by such Field Officers, to the Clerk of the same County; who shall, on such Certificate, issue an Execution, directed to the Sheriff, (or Coroner, if the offending Person shall be then Sheriff,) to levy such Penalty on the Body, Goods, or Chattels, of such Person or Persons so offending: Which said Sheriff, or Coroner, shall proceed, as is afore-mentioned, and pay the Penalty so levied, to the Governor or Commander in Chief, for the Time being, once every Year, for the Uses afore-mentioned.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it shall and may be lawful, to and for Governor, or Commander in Chief, for the Time being, and he is hereby desired, to nominate and appoint some fit Person or Persons residing in each County, to execute, from Time to Time, such Parts of this Act, as is directed to be executed by any Person or Persons appointed by the Governor, or Commander in Chief.

AND be it further Enacted, That no Servant or Servants shall from henceforth continue, or hereafter be inlisted or inrolled, in any Regiment, Company, or Troop, unless upon such an Emergency as may be judged necessary and proper by the Field Officers of the respective County, or the major Part of them, for the inlisting such Servant or Servants; any Act to the contrary, notwithstanding.

AND

AND be it further Enacted, by the Authority aforesaid, That the Sheriff, or Coroner, shall have and receive Thirty Pounds of Tobacco, for every Execution he shall serve or execute, by Virtue of this Act, and the usual Imprisonment Fee, or Fees due on the Sale of Effects, in Case of an Imprisonment, or Sale; and the Clerk shall have and receive Six Pounds of Tobacco, for every Execution issued by him, in Pursuance of this Law; which said Fees so to be due to the said Sheriff, Coroner, or Clerk, shall be levied on the Body, Goods, or Chattels, of the Person against whom such Execution shall issue.

AND whereas, there are several Publick Arms now lodged in the several Counties in this Province, which may be in a Condition unfit for Use, Be it therefore Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Colonel of each respective County, shall, as soon as conveniently may be, after the Governor, or Commander in Chief, shall require the same, return to the Governor, or Commander in Chief, a List of such Arms which such Colonel can find in his County, together with an Account of the Condition such Arms are in; and for the Reparation, Amendment, or Disposal thereof, the Governor, or Commander in Chief, is hereby desired to give such Directions, as he may judge most proper. And to prevent the Embezzlement of the Public Arms,

BE it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all the Public Arms shall be marked with such Marks, and in such Manner, as the Governor, or Commander in Chief, shall think most proper, to denote such Arms to belong to the Publick; after which Marks so made, no Person or Persons whatsoever, shall presume to sell or purchase such Arms so marked, or where the Mark appears to have been defaced, or knowing the same to be Publick Arms, under the Penalty of Forty Shillings; to be recovered against the Seller; and the like Penalty of Forty Shillings, to be recovered against the Purchaser, for every Offence, before a single Magistrate, upon the Oath of One or more credible Witness or Witnesses: Which said Magistrate shall issue his Warrant to the Clerk of the County, directing him to issue an Execution for such Penalty; which Execution he shall issue, and the Sheriff shall serve and levy the Penalty, in Manner aforesaid: Half of which Penalty shall be paid to the Informer, for his own Use; and the other Half to the Governor, or Commander in Chief, for the Uses aforesaid.

AND whereas, there is not any Exemption, by the Laws now in Force, of any Member of His Lordship's Council, and of the Upper House of Assembly, Be it therefore Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That no such Member shall be obliged to serve in the Militia, or be inrolled or enlisted in any Regiment, Troop, or Company thereof; any Law to the contrary, notwithstanding.

PROVIDED always, That this Act, nor any thing herein contained, shall be construed to charge the Executors or Administrators of the Colonel, Lieutenant-Colonel, Major, or Captain, dying, for any of the Arms aforesaid, more than they shall have in their Possession, or shall have

have received Satisfaction for, from the several Persons, liable to such Colonel, Lieutenant-Colonel, Major, or Captain, so dying: Nor any Colonel, Lieutenant-Colonel, Major, or Captain, succeeding any deceased Colonel, Lieutenant-Colonel, Major, or Captain, shall receive or take in his or their Possession, or for more than he or they shall take Receipts for, as aforesaid; but such succeeding Colonel, Lieutenant-Colonel, Major, or Captain, shall, on the Death of any Colonel, Lieutenant-Colonel, Major, or Captain, immediately warn the respective Regiment or Regiments, Companies and Troops, to a Muster, and then take Receipts for such Arms as shall then be produced in good Order: The Number thereof, together with the Condition of such Arms as shall be lost, or spoiled, as aforesaid, shall by the respective Colonel, Lieutenant-Colonel, Major, or Captain, be certified to the Governor, or Commander in Chief, within Thirty Days after such Muster: After which Return of the Certificate aforesaid, every such Officer shall be liable to each other, and the Men to such Officer, as is before directed by this Act: Which Muster and Return, shall be made and had, as aforesaid, under the Penalty of the Officer neglecting the same, being liable for the Value of the Arms delivered to the deceased Officer, in whose Place he shall succeed; which Value shall be ascertained, levied, paid, and applied, in the Manner, and to the Use afore-mentioned.

PROVIDED also, That no Officer, nor his Executors or Administrators, shall be liable, by Virtue of this, or any other Act, for such Arms as shall be delivered to any Person or Persons, which are or shall be enlisted or inrolled in any Troop or Company, and who shall, after such Receipt of the said Arms, and before any Satisfaction made to the proper Officer, for the Loss, Damage, or Embezzlement of such Arms, either prove insolvent, or run away, or die insolvent.

An Act for laying out and applying Three Thousand Five Hundred Pounds, Current Money of Maryland, to the Uses therein mentioned.

W H E R E A S, by an Act passed this Session of Assembly, entitled, *An Act for emitting and making current Ninety Thousand Pounds, current Money of Maryland, in Bills of Credit*, a Sum, not exceeding Three Thousand Pounds, in the said Bills of Credit, is directed to be applied to purchase convenient Ground, for the Use of the Publick, and building a Dwelling-House, and other Conveniencies, for the Governor of this Province, for the Time being, to reside in: And whereas a Sum, not exceeding Five Hundred Pounds, in the said Bills of Credit, is appointed to be applied towards or in the Repairs of the Publick Buildings, according to the Directions of an Act to be passed this Session of Assembly:

B E it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of the Upper and Lower Houses of Assembly, and the Authority of the same, That the Honourable Samuel Ogle, Esq; shall be, and by Virtue of this Act is, impowered and authorized, to purchase convenient Ground, with Part of the said Sum of Three Thousand Pounds, for the Use of the Publick, in the City of *Annapolis*; and that the said Samuel Ogle, Esq; or the Governor of this Province,

Province, for the Time being, may, by Virtue of this Act, direct and appoint the building a Dwelling-House, Out-Houses, and other Conveniencies, for the Residence of the Governor of this Province; and that the Commissioners or Trustees, who shall be appointed for emitting the Bills of Credit, established by Act of Assembly, shall and may issue and pay the said Sum of Three Thousand Pounds, in Bills of Credit, according to the Directions of the said *Samuel Ogle*, Esq; or the Governor of this Province, for the Time being, for the Purposes aforesaid.

AND be it further Enacted, by the Authority aforesaid, That the Honourable Charles Calvert, Esq; Benjamin Tasker, Esq; Edmund Jennings, Esq; John Beale, Esq; Ralph Crabb, and Philip Hammond, Gentlemen, or the major Part of them, shall and may, and by Virtue of this Act are authorized and impowered, to apply the said Five Hundred Pounds, in Bills of Credit, in and towards such Repairs of the Publick Buildings, Parade, and other Publick Uses, in Annapolis, as they shall think most advantageous and proper for the publick Service of this Province; and that the said Commissioners or Trustees, shall issue and pay the said Money, according to the Directions of the said Charles Calvert, Benjamin Tasker, Edmund Jennings, John Beale, Ralph Crabb, and Philip Hammond, or the major Part of them.

An Act to continue an Act, intituled, An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned.

WHEREAS, an Act of Assembly, made at *Annapolis*, at a Session of Assembly held there, the Eleventh Day of *July*, in the Year of Our Lord, Seventeen Hundred, and Thirty Two, intituled, *An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned*, was pass'd; which Act was to continue until the Twenty Ninth Day of *September*, in the Year of Our Lord, Seventeen Hundred, and Thirty Three: And whereas, this present General Assembly, as well to testify their Affection and Regard for the Honourable *Samuel Ogle*, Esq; late Governor of this Province, as their Gratitude for His just Administration, during His Government, are desirous to encourage Learning, and willing that it may be Enacted:

AND be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of the Upper and Lower Houses of Assembly, and the Authority of the same, That the said Act shall be continued from the said Twenty Ninth Day of September, until the Twenty Ninth Day of September, which shall be in the Year of Our Lord, Seventeen Hundred, and Thirty Six.

PROVIDED nevertheless, That in Case the said Samuel Ogle, should dye, or be removed from being Governor, before the Twenty Ninth Day of September, One Thousand, Seven Hundred, and Thirty Six, that then, at the End of the next Session of Assembly which shall happen after such Death, or Removal, as aforesaid, this Act shall be void,

to all Intents and Purposes; any thing herein before contained to the contrary, notwithstanding.

An Act to impower the Inhabitants of Anne-Arundel, and Prince George Counties, to make the main Branch of the River Patuxent navigable, above Queen-Anne Town, in Prince George County, aforesaid.

WHEREAS, fundry of the Inhabitants of *Anne-Arundel*, and *Prince George* Counties, in this Province, bordering on the main Branch of *Patuxent* River, by their humble Petition to the Legislature of this Province, have set forth, That the said main Branch of *Patuxent* River may be made navigable; and that some Proposals are well received for effecting the same, by Subscription, for upwards of Twenty Miles above the said Town; and for that it appears to this General Assembly, that great Advantages may accrue thereby, to the Inhabitants of the said Counties, and also to others, trading or resorting there-to: It is therefore prayed, it may be Enacted,

AND be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not, nor may be lawful, for any Person or Persons within this Province, from and after the End of this present Session of Assembly, to make any Hedge, Ware, or Fence, in or a-cross the said Branch; or to repair or amend any Hedge or Hedges, Wares, or Fences, already made, or which shall be hereafter made, in or a-cross the said main Branch of *Patuxent* River, above *Queen-Anne Town* aforesaid; or to fall, or cause to be fallen, any Tree or Trees, into the said Branch, either for the Convenience of Fishing, or for any other Matter or Thing whatsoever, whereby the Navigation up and down the said Branch may be any-ways obstructed, under the Penalty of Four Hundred Pounds of Tobacco for every such Offence; to be recovered by the Oath of the Informer, before any Justice of the County Court where such Offender shall reside; and to be applied, One Half to the Use of the Informer, and the other Half to be paid, or accounted for, to the County Justices, and by them applied for the Benefit of such Person or Persons as shall appear to them to have cleared, or to be concerned, at their own Expence, in clearing such River.

AND be it further Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be lawful, for any Person or Persons whatsoever, to clear and keep the River aforesaid open and navigable, at their own proper Cost and Charges, without being obstructed by any Person or Persons whatsoever.

PROVIDED, That if the Petitioners shall not begin to clear the said River, or cause the same to be begun, within Six Months from the End of this Session of Assembly, that this Act shall cease, determine, and become null and void. *And Provided,* That if the Clearing the said River shall be begun within Six Months after the End of this Session, and shall not be compleated, so as to render the said River navigable, according to the Intent of this Act, within Six Years after the End of

of the said Six Months; that then, and in such Case, this Act shall cease, determine, and become null and void; any thing therein contained to the contrary, notwithstanding.

SAVING to the Right Honourable the Lord Proprietary, his Heirs and Successors, their several and respective Rights.

An Act Reviving an Act of Assembly, intituled, An Act for the speedy and effectual Publication of the Laws of this Province; and for the Encouragement of William Parks, of the City of Annapolis, Printer.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of the Upper and Lower Houses of Assembly, and the Authority of the same, That the Act, intituled, *An Act for the speedy and effectual Publication of the Laws of this Province; and for the Encouragement of William Parks, of the City of Annapolis, Printer*, made at a Session of Assembly, begun and held at the City of Annapolis, the Tenth Day of October, Anno Domini, One Thousand, Seven Hundred, and Twenty Seven, be and is hereby revived, and continued in full Force, from and after the End of this Session of Assembly, for and during the Term of Seven Years, and to the End of the next Session of Assembly, that shall happen after the said Seven Years.

An Act for the Assessment of so much Tobacco on the Inhabitants of St. Stephen's Parish, in Cecil County, as will build them a new Parish Church, and a Chapel of Ease, on Bohemia Manor, in the said Parish.

WH E R E A S, the Vestrymen, Churchwardens, and other the Inhabitants of St. Stephen's Parish, in Cecil County, have, by their Petition to this General Assembly, set forth, That their Parish Church is in such a ruinous Condition, that it is dangerous being therein; and have prayed, that an Act may pass, that so much Tobacco may be levied on the taxable Persons of the said Parish, as will enable them to build a new Church, at or near the Place where the old one now stands; and to build a Chapel of Ease, on Bohemia Manor,

B E it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Cecil County Court, shall and may, and they are hereby authorized and directed, on the Application of the Vestrymen and Churchwardens of the said Parish, to assess and levy on the taxable Inhabitants of the said Parish, any Quantity of Tobacco, not exceeding Sixty Thousand Pounds of Tobacco, to erect a new Church in the said Parish, at or near the Place where the old one now stands; and Fifty Thousand Pounds of Tobacco, to build a Chapel of Ease, on Bohemia Manor; which said Tobacco so
to

to be levied, shall be collected, in equal Dividends, in Three Years, by the Sheriff of *Cecil* County, for the Time being, who is hereby authorized and required to collect the same; and who shall have, for such Collection, at and after the Rate of Five *per Cent*. And the said Tobacco, when so collected, shall be paid to the Vestry and Churchwardens aforesaid, who are hereby authorized and required to apply the same to the building and finishing a new Church in the said Parish, at or near the Place where the old one now stands; and to build the Chapel of Ease aforesaid, as near as may be, to the Place where the old one now stands.

A Supplementary Act to the Act, intituled, An Act, for laying out anew Fifteen Acres of Land, part of the One Hundred Acres of Land, formerly erected into a Town, commonly called Benedict-Leonard Town, upon Patuxent River, in Charles County, besides the Lots which have been already taken up, pursuant to the Directions of former Laws; and to restrain the Inhabitants from keeping any Stock, except within their Inclosure, in the said Town.

WHEREAS, by the said Act, the Owner or Owners of the said Fifteen Acres of Land, are to have his or their first Choice of One Lot; but no Time being limited therein, to make such Choice,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of the Upper and Lower Houses of Assembly, and the Authority of the same, That the Owner or Owners of the said Fifteen Acres of Land, shall be obliged, within Ten Days after Notice is given to him or them, by one or more of the Commissioners, or by the Clerk of the Town, to make his or their Choice of One Lot; or upon Neglect or Refusal to make Choice thereof, any Person or Persons shall have Liberty to take up the said Lot or Lots, pursuant to the Directions of the said Law.

*AND be it further Enacted, by the Authority aforesaid, That the Taker-up of any Lot or Lots within the said Town, shall be obliged to pay the Tobacco set and assessed upon the said Lot or Lots, to the Owner or Owners, either in the Hands of the Sheriff of *Charles* County, or to bring the Tobacco to such Owner or Owners Dwelling-House.*

AND whereas, it is thought prejudicial to the Inhabitants of the said Town, for any Person living there to keep any Creature or Creatures within the said Town, out of his Inclosure,

*BE it therefore Enacted, by the Authority aforesaid, That no Person or Persons whatsoever, living, or to live, within the same Town, shall, after the End of this present General Assembly, under any Pretence whatsoever, keep, or support, within the same Town, or the Inclosure or Inclosures of Mr. *Charles-Somerset Smith*, any Hog or Hogs, Goose or Geese, Sheep, Horse or Horses, Cow or Cows, or other Cattle, belonging to themselves, or to any other Persons whatsoever; unless such*
Hog

Hog or Hogs, Goose or Geese, Sheep, Horse or Horses, Cow or Cows, or other Cattle, be kept within such Person or Persons Inclosure, so keeping or supporting them.

AND be it further Enacted, by the Authority aforesaid, That any Person or Persons, that shall be convicted before a single Magistrate, on Confession, or Proof, of keeping and supporting within the said Town, out of his, her, or their Inclosure, any Hog or Hogs, Goose or Geese, Sheep, Horse or Horses, Cow or Cows, or other Cattle, shall pay One Hundred Pounds of Tobacco, for each Transgression; the same to be levied on the Body, Goods, or Chattels of the Offender, by Way of Execution, as in Case of small Debts; and to be applied to the Use of the Free-School of the County aforesaid.

An Act for Erecting a Town at and about the Landing, called, The Elk-Ridge Landing, near the Head of Potapscow River, in Anne-Arundel County.

WHEREAS, the Inhabitants of the Upper Parts of *Anne-Arundel* County, have, by their Petition to this General Assembly, set forth, That the vast Body of rich Lands, and the Situation of the Neighbourhood in general, renders the Head of *Potapscow* River, at the Landing, called, *The Elk-Ridge Landing*, a very commodious Place for the Situation of a Town, and the most convenient for the Western Parts of *Baltimore* County, and all the back Land upon *Patowmack* and *Monockacy* Rivers; and prayed, that an Act might pass, to erect the said Place into a Town:

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of the Upper and Lower Houses of Assembly, and the Authority of the same, That Mr. Philip Hammond, Capt. Benjamin Howard, Mr. Joshua Dorsey, Mr. John Dorsey, Son of Edward, Mr. John Howard, and Mr. John Hammond, Son of Charles, or any Three of them, shall be, and are hereby appointed Commissioners for Anne-Arundel County, aforesaid; and are hereby authorized and impowered, as well to agree for the Buying and Purchasing Thirty Acres of Land, at or about the Place aforesaid, and such Part as lies most convenient to the Water, as for Surveying and Laying out the same in the most convenient Manner, into Forty equal Lots, to be erected into a Town.

AND be it further Enacted, That the Commissioners aforesaid, herein before nominated and appointed, or the major Part of them, are hereby impowered, some Time before the Last Day of October next, to meet together, at the Place aforesaid, or some other convenient Place, adjacent thereto; and shall then and there treat and agree with the Owner or Owners, or Persons interested in the said Thirty Acres of Land, for the same; and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Forty equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, and Allies, as to them shall seem meet; with Posts, or Stakes, towards every Street, Lane, or Alley: The said Lots to be numbered,

One, Two, Three, and so on, to Forty, for the better and more sure distinguishing each Lot from the other: Of which Forty Lots, the Owner or Owners of the said Land shall have his or their first Choice, for One Lot; provided he or they make their Choice in Ten Days: And after such Choice, the remaining Lots may be taken up by others; and that no Person shall presume to purchase more than One Lot within the said Thirty Acres, during the first Four Months after Laying out the same; and that the said Lots shall be purchased by the Inhabitants of the County aforesaid: And in Case the said Inhabitants shall not take up the said Lots within Six Months after such Laying out, as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Thirty Acres of Land shall wilfully refuse to make Sale of the same, or that thro' Nonage, Coverture, or any other Disability, or Impediment whatsoever, are disabled to make such Sale, as aforesaid; that then the Commissioners aforesaid, or the major Part of them, shall and are, by Virtue of this Act, authorized, impowered, and required, to issue their Warrants under their Hands and Seals, to the Sheriff of the said County; which said Sheriff is also hereby required and impowered, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners, at a certain Day and Time by them to be limited: Which Jury upon their Oaths shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit, to be awarded to the Owners of the said Thirty Acres of Land, and to all Persons interested therein, according to their several and respective Interests: And what Sum of Tobacco the said Jury shall adjudge the said Thirty Acres of Land to be worth, shall be paid to the Owner or Owners, so found by their Verdict, and to all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots; which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple in the said Lot or Lots, he or they complying with the Requisites in this Act mentioned.

AND be it further Enacted, That the Surveyor of *Anne-Arundel* County, for the Time being, shall have and receive, for Surveying and Laying out the Town aforesaid, the Sum of One Thousand Pounds of Tobacco, and no more; to be paid and allowed him in the County Levy; and that he return a Plat thereof to the County Clerk, to be by him kept amongst the County Records: And in Case the Taker-up of such Lot or Lots do not build, within Eighteen Months, an House that shall cover Four Hundred square Feet, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the Publick Use and Benefit of the said Town; and to be taken up a Second Time.

PROVIDED always, That such Taker-up or Purchaser, build and finish, within Eighteen Months after such his Entry made, such House as in this Act is before limited and appointed to be built by the first

first Taker-up: Which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such Second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the first Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years, next after the Publication of this Act; that then, and in such Case, the Owner, or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots, as in their first and former Estate; any thing in this Act to the contrary, notwithstanding.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Town aforesaid, be called by the Name of Janssen Town.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath, That he shall make true and impartial Entries of their Proceedings; and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of Anne-Arundel County Court, for the Inspection of any Person.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of any of the Lots taken up in the aforesaid Town, shall be chargeable with, and liable to, the Payment of One Penny Current Money of Maryland, per Annum, for each Lot, to the Right Honourable the Lord Proprietary, and his Heirs for ever; and that the Clerk of the said Commissioners do transmit to His Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

SAVING to His Most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and to all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary, notwithstanding.

An Act for the Erecting a Town near the Head of Monokin River, on the South Side thereof, in Somerset County; and for laying into Lots, Twenty Five Acres of Land.

WHEREAS, several Inhabitants of Somerset County, have, by their Petition to this General Assembly, set forth, That there is a very convenient Place for a Town, near the Head of Monokin River, on the South Side thereof, by the Bridge, on a Tract of Land now in Possession of David Brown, and supposed to be the Right of the said David Brown:

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of the Upper and Lower Houses

Houses of Assembly, and the Authority of the same, That Col. *Levin Gale*, Capt. *George Dasbiels*, Major *Robert King*, Capt. *Henry Ballard*, and Mr. *George Gale*, or any Three of them, shall be, and are hereby appointed Commissioners for *Somerset* County aforesaid; and are hereby authorized and impowered, as well to agree for the Buying and Purchasing Twenty Five Acres of Land out of the Tract aforesaid, and such Part, not exceeding Twenty Five Acres, as lies most convenient to the Water, as for Surveying and Laying out the same, in the most convenient Manner, into Thirty equal Lots, to be erected into a Town.

AND be it further Enacted, That the Commissioners aforesaid, herein before nominated and appointed, or the major Part of them, are hereby impowered, some Time before the Last Day of *August*, which shall be in the Year of our Lord God, One Thousand, Seven Hundred, and Thirty Three, to meet together, on the Tract of Land aforesaid, or some other convenient Place thereto; and shall then and there treat and agree with the Owner or Owners, and the Persons interested in the said Twenty Five Acres of Land, for the same; and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Thirty equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, or Alleys, as to them shall seem meet, with Posts or Stakes towards every Street, Lane, or Alley; the said Lots to be numbered One, Two, Three, and so on, to Thirty, for the better and more sure distinguishing each Lot from the other: Of which said Thirty Lots, the Owner or Owners of the said Land, shall have his or their first Choice for Two Lots; provided he or they make their Choice within Four Days after the Survey aforesaid is made; and after such Choice, the remaining Lots may be taken up by others: And that no Person shall presume to purchase more than One Lot, within the said Twenty Five Acres, during the first Four Months, after Laying out the same; and that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in Case the Inhabitants shall not take up the said Lots, within Six Months after such Laying out, as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Twenty Five Acres of Land, shall refuse to make Sale of the same, or that through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale, as aforesaid; that then the Commissioners aforesaid, or the major Part of them, shall, and are, by Virtue of this Act, authorized, impowered, and required, to issue Warrants under their Hands and Seals, to the Sheriff of the said County; which said Sheriff is also hereby required and impowered, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners, at a certain Day and Time by them to be limited: Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit, to be awarded to the Owners of the said Twenty Five Acres of Land, and to all Persons interested therein, according to their several and respective Interests: And what Sum of Tobacco, the said Jury shall adjudge the said Twenty Five Acres of Land to be worth, shall be paid to the Owners so found by their Verdict, and to all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably

portionably to their Lot or Lots, which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple in the said Lot or Lots ; he or they complying with the Requisites in this Act mentioned.

AND be it further Enacted, That the Surveyor of *Somerset County*, for the Time being, shall have and receive, for Surveying and Laying out the Town aforesaid, the Sum of Four Hundred Pounds of Tobacco, and no more ; to be paid and allowed him in the County Levy : And that he return a Plat thereof to the County Clerk, to be by him kept amongst the County Records. And in Case the Taker-up of such Lot or Lots, refuse or neglect to build upon such Lot or Lots, within Eighteen Months, an House, with one Brick Chimney, that shall cover Four Hundred square Feet, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco, as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them shall nominate and appoint to receive the same, for the Publick Use and Benefit of the said Town ; and to be taken up a Second Time.

PROVIDED always, That such Taker-up or Purchaser, build and finish, within Eighteen Months after such his Entry made, such House as in this Act is before limited and appointed to be built by the first Taker-up ; which House, so built, shall give and settle as good an Estate, to all Intents and Purposes, to such Second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the First Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up, in the Town aforesaid, during the Term of Seven Years, next after Publication of this Act, that then and in such Case, the Owner or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots, as in their first and former Estate ; any thing in this Act to the contrary, notwithstanding.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Town aforesaid be called by the Name of *Princess Anne Town*.

AND be it further Enacted, by the Authority aforesaid, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk ; and that they cause such Clerk to take an Oath, That he shall make true and impartial Entries of their Proceedings ; and assess reasonable Fees for the said Clerk ; to be paid him by the several Takers-up of the said Lots : Which said Entries, they shall cause to be made up in a well bound Book, and lodged with the Clerk of *Somerset County Court*, for the Inspection of any Person.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of, any the Lots taken up in the aforesaid Town, shall be chargeable with, and liable to the Payment of, One Penny Current Money of *Maryland*, per Annum, for each Lot, to the Right Honourable the Lord Proprietary, and his Heirs for ever : And that the Clerk of the said

Commissioners do transmit to His Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

SAVING, to His most Sacred Majesty, His Heirs and Successors, the Right Honourable the Lord Proprietary, His Heirs and Successors, and to all Bodies Politick and Corporate, and to all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act, to the contrary thereof, in any wise, notwithstanding.

An ACT for the Relief of Prisoners for Debt.

WHEREAS, many Persons, by Losses, and other Misfortunes, by the necessary Charge of a numerous Family, or by inevitable Losses or Misfortunes, deserving the Compassion of Mankind, and not having been guilty of fraudulent and deceitful Practices, become incapable of paying their whole Debts; and though willing to make the utmost Satisfaction they can, may be detained in Prison, by their too rigid and severe Creditors: And whereas, such unhappy Debtors, have always been deemed the proper Objects of Publick Compassion; for the Relief, therefore, of such unhappy Debtors, who shall faithfully discover upon Oath, and deliver up and assign all their Estates and Effects whatsoever, for the Benefit of their Creditors,

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of the Upper and Lower Houses of Assembly, and the Authority of the same, That the several and respective Justices of the several County Courts of this Province, be, and are hereby impowered, authorized, and required, upon the Petition to them preferred, of such poor Prisoner for Debt or Damage, to be discharged, to call, and cause to come before them, or any Three of them, whereof One to be of the Quorum, such Debtor or Debtors, who at any Time after the End of this present Session of Assembly, shall be actually in Prison, or Custody of any Sheriff or Goaler within this Province, for any Debt or Damages, or upon any Attachment or Execution, or any Process issued or issuing by any legal Authority, for any Debt or Damages; as also the Sheriff or Goaler, in whose Custody such Debtors are detained, with the Cause of such Detainer; before which said Justices, or any Three of them, as aforesaid, such Prisoner shall take the following Oath (or Affirmation if a Quaker :)

I A. B. do, upon my corporal Oath, solemnly profess and declare before Almighty G O D, that I have not any Estate Real or Personal, in Possession, Reversion, or Remainder, of the Value of Forty Shillings in the Whole, or sufficient to pay the Debt or Damages for which I am imprisoned; and that I have not directly or indirectly at any Time since the Debt or Damage aforesaid became due, sold, leased, or otherwise conveyed, disposed of, or intrusted, all or any Part of my Estate, thereby to secure the same, to receive or expect any Profit or Advantage thereof, or defraud or deceive any Creditor or Creditors whatsoever, to whom I stand indebted.

THEN

THEN, after the taking such Oath, or Affirmation, as aforesaid, the said Justices, as aforesaid, shall remand the Prisoner to Prison, and shall give a Certificate in Writing under their Hands and Seals, to such Prisoner, of his having taken such Oath, or Affirmation, as aforesaid, before them, to be served upon, or left at the usual Place of Abode, of such Person or Persons, or their Attorney or Agents, in the County or Province, if not Resident, at whose Suit such Prisoner standeth charged and imprisoned, thereby appointing as well the said Person or Persons, as the said Prisoner, to appear before the said Justices, at the next Court to be holden for the said County; when if it shall appear upon Oath, (which Oath the Justices are impowered to administer) the said Certificate was so served, or left Forty Days or more, before the said Court; and that the said Oath taken by the said Prisoner, be not disproved by good and sufficient Testimony; then the said Justices being satisfied therewith, and that the Poverty and Inability of such Debtor, did not proceed from their having been guilty of fraudulent and deceitful Practices, shall direct their Warrant under their Hands and Seals, commanding the said Sheriff, Goaler, or Keeper of the Prison, to set at Liberty and discharge the said Prisoner, if imprisoned for the Causes aforesaid, and no other, without paying any thing for Imprisonment Fees for the present; but the Sheriff or Coroner, shall be paid such Fees, out of what shall arise by the Servitude of such Prisoner, if sold, preferable to any other Creditor: Which Warrant shall be a sufficient Discharge to the same Sheriff, Goaler, or Keeper of the Prison; and no Action of Escape, or other Action, shall be brought against them, or any of them, for the same, in any wise.

AND forasmuch as some Persons being Prisoners, and petitioning as aforesaid to be relieved, cannot take the aforesaid Oath, or Affirmation, by Reason of their having some Estate, Goods, Debts, or Effects, though not being sufficient to pay his or their Debts, which the Prisoner or Prisoners are willing to yield, surrender, and give up, to the Use of his or their Creditors, equally to be divided amongst them, *Be it therefore Enacted, by the Authority, Advice, and Consent aforesaid,* That any such Prisoner or Prisoners, that shall actually yield, surrender, and give up, to the Use of all his Creditors, equally to be divided amongst them accordingly, pursuant to the Directions of this Act, in case such Prisoner or Prisoners, shall take the following Oath or Affirmation to the same Effect:

I A. B. do solemnly swear, in the Presence of Almighty GOD, That the Inventory by me delivered to the Sheriff of County, a Copy of which Inventory I have now delivered to the Justices of County Court, with my Petition to that Court, doth contain a full and just Account of my real and personal Estate, Debts, Credits, Goods, and Effects, which I am ready to deliver up, assign, and make over, to such Trustee or Trustees, as my Creditors shall think fit to make Choice of, or in case my Creditors should not meet, or choose a Trustee, to the Sheriff of County, in Trust for the Use of my Creditors, is the whole Estate, whether real or personal, which I have, or have any Title to in the World; and that I have not any Estate, Debts, Credits, Goods, or Effects of any kind whatsoever left, either in Possession, Reversion, or Remainder, (the necessary wearing Apparel for my self, Wife, and Children, and the Tools or Instruments of my Trade or Calling, not exceeding Ten Pounds Current Money in Value, in the Whole, only excepted;) and that I have not directly or indirectly, at any Time since my becoming so indebted,

debted, sold, leased, or otherwise conveyed, disposed of, or intrusted, all or any Part of my Estate, thereby to secure the same, to receive or expect any Profit or Advantage thereof.

A F T E R which Proceedings, and Oath, so had and made, it shall and may be lawful for any such Person or Persons as aforesaid, that shall be actually in Prison, for any of the Causes, and in Manner as aforesaid, at the next County Court after such Imprisonment, to be held for the County where such Debtors are in Prison, or at any other Court thereafter, give an Account upon Oath, to the Justices of the said Court, or any Three of them as aforesaid, of all his Estate, real and personal; and of his Readiness to surrender up, and assign to such Trustee or Trustees, being appointed as aforesaid, or for want of such Trustee or Trustees, to the Sheriff of the said County, according to the Oath herein before prescribed, and declare his Willingness to part with the same, to be equally divided amongst his or their Creditors, towards Satisfaction of his or their Debts; upon which Tender of Surrender to be made, it shall and may be lawful to and for the said Justices, or any Three of them, in Court sitting, as aforesaid, and they are hereby impowered and required, to cause publick Notice to be given, to all his or their Creditors, in Forty Days after the End of the said Court, to appear at the Court-house where the Debtor is detained in Prison, before Two or Three Justices of the Peace of the said County, whom the Sheriff of the said County is hereby required to summon, on Request of such Prisoner or Prisoners, to make Choice and appoint a Trustee or Trustees; and in case of such Appointment not being made by such Creditors, then the Sheriff of such County to take and receive such Debtors Estate into his or their Charge; and cause the same to be inventoried, appraised, and valued: And the said Debtors are hereby ordered and directed to convey, assign, transfer, and make over, to the Trustee or Trustees, so to be appointed by the Creditors of such Debtor or Debtors, and for want of such Appointment, to the Sheriff of that County, for the Use of the said Creditors, all such their Estate, Interest, or Claim, after such Manner as the said Trustee or Trustees, or the Sheriff aforesaid, or his or their Council learned in the Law, shall reasonably devise or require, at the Cost and Charges of such Person or Persons as shall claim the Benefit thereof; so always as such Prisoners be not burthened with any Warrantys thereof, other than from themselves, or those that claim by, from, or under them; with an Account to such Trustee or Trustees, or Sheriff, as aforesaid, of their Debts due from such Debtors: And after such Appraisement, the said Trustee or Trustees, or Sheriff, are impowered to sell the same, by way of Auction, or otherwise, as to them shall seem meet; after which Assignment and Conveyance, it shall and may be lawful to and for the said Justices, in case it appears to to them that the Poverty and Inability of such Prisoners proceeded rather from the Causes mentioned in the Preamble, than any deceitful and fraudulent Practices, by Warrant under their Hands and Seals, to direct the said Sheriff to discharge such Prisoner or Prisoners; which said Sheriff shall forthwith accordingly discharge the same from his Custody.

A N D whereas several Persons are now in Prison, for Debt, who before the Meeting of this present General Assembly, have continued so for Forty Days, and upwards, who always since their first Imprisonment, have been, and now are, willing to yield, surrender, and give up, for the Use

Use of his or their Creditors, all their Estate, Goods, Debts, or Effects, pursuant to the Directions of this Act of Assembly, and to take the last Oath, or Affirmation, in this Act prescribed :

B E it therefore Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it shall and may be lawful for any such Person or Persons, who are now in Prison for Debt, and who before the Meeting of this present General Assembly, have continued so for Forty Days, and upwards, at any Time after the End of this present Session of Assembly, to deliver to the Sheriff of the County where such Prisoner is kept in Prison, an Inventory of his whole Estate, and to lodge with the Clerk of that County Court, a Copy of the said Inventory, with a Copy of the last mentioned Oath, in this Act mentioned, certified by One or Two of the Justices of the Peace of that County, to have been taken by such Prisoner, before him or them, and cause publick Notice to be left at the Court-house, Churches, Chapels, and all other publick Places within the said County, for all their Creditors, at any Time, not being less than Twenty Days after the Date of the said Publication, to appear at the Court-house where the Debtor is detained in Prison, before Two or Three Justices of the Peace of the said County, whom the Sheriff of the said County is hereby required to summon, on Request of such Prisoner or Prisoners, to make Choice and appoint a Trustee or Trustees as aforesaid ; and in case of such Appointment not being made, as aforesaid, then the Sheriff of such County to take and receive such Debtors Estate into his or their Charge, and cause the same to be inventoried, appraised, and valued : And the said Debtors are hereby ordered and directed, to convey, assign, transfer, and make over, to the Trustee or Trustees, so to be appointed by the Creditors of such Debtor or Debtors, and for want of such Appointment, to the Sheriff of that County, for the Use of the said Creditors, all such their Estate, Interest, or Claim, after such Manner as the said Trustee or Trustees, or the Sheriff aforesaid, or his or their Council learned in the Law, shall reasonable devise or require, at the Cost and Charges of such Person or Persons as shall claim the Benefit thereof, so always as such Prisoners be not burthened with any Warrantys thereof, other than from themselves, or those that claim by, from, or under them ; with an Account, to such Trustee or Trustees, or Sheriff, as aforesaid, of their Debts due from such Debtors : And after such Appraisement, the said Trustee or Trustees, or Sheriff, are empowered to sell the same, by way of Auction, or otherwise, as to them shall seem meet. After which Assignment and Conveyance, it shall and may be lawful, to and for the said Justices, in case it appears to them, that the Poverty and Inability of such Prisoners proceeded rather from the Causes mentioned in the Preamble, than fraudulent and deceitful Practices, by Warrant, under their Hands and Seals, to direct the said Sheriff to discharge such Prisoner or Prisoners ; which said Sheriff shall forthwith accordingly discharge the same from his Custody.

A N D be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all and every the Estate, Real or Personal, of such Prisoners, or every Sum or Sums of Money, or Quantities of Tobacco, that shall or may be raised by Servitude, Sale of such Real or Personal Estate, if sold by Virtue of this Act, shall be distributed and paid, by the Trustees, Sheriff, or Coroner, to and amongst

the Creditors, in Proportion to their Debts, after Deduction of the Fees due to the Sheriff or Coroner, for serving the Execution or Imprisonment Fees, which shall be paid in the first Place to the said Sheriff, or Coroner.

PROVIDED always, That this Act shall not extend to discharge any Person from any Debt due to, or Suit of, the Crown, or from any Debt or Damage due to, or claim from, the Lord Proprietary, for his own Use or Benefit.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That all and every Sale, or Sales, that shall be made by the said Trustee, or Trustees, Sheriff, or Coroner aforesaid, of such Debtors Estate, as aforesaid, shall be good and valid in Law; and bar the Debtor, and his and their Heirs, and all others claiming under them, to all Intents, Constructions, and Purposes whatsoever.

AND be it further Enacted, That no Prisoner shall be discharged out of Prison, until he shall declare upon Oath or Affirmation, as aforesaid, before the Justices as aforesaid, what Debts are owing to him, or them, to the best of his or their Remembrance, a Schedule whereof shall be made by the said Justices, or Clerk of the County Court; and the Creditors or such of them as will join, shall be, and are hereby impowered to sue for the same, in the Prisoner's Name, saving him harmless from all Cost and Damages; and after Recovery of all or any such Debts, they shall be by the said Trustee, or Trustees, or Sheriff aforesaid, applied towards Satisfaction of such Creditors who sued, or was at the Charge of recovering the same.

PROVIDED nevertheless, and it is the true Intent and Meaning of this Act, That if any Person, or Persons, not having Wife or Children to maintain, being Prisoners, as aforesaid, and petitioning to be relieved by this Act, shall be of an handy-craft Trade, and of Ability of Body to follow the same, or having no Trade, is otherwise of Strength and Ability of Body to labour; and that either of their Creditors are willing to accept of their Service, in Satisfaction of their Debts, or Part thereof, to be divided amongst the Creditors, as aforesaid; or that any other Person will accept thereof, and discharge them from the Creditors, for any Length of Time, not exceeding Seven Years; every such Person refusing to make Satisfaction to their Creditors, by Servitude, in Manner aforesaid, shall not be allowed to reap any Advantage by this Act: But then it shall and may be lawful, in every such Case, for the Justices of the respective Counties, where the said Debtor or Debtors are actually in Prison, upon Application to the Justices, by any Creditor or Creditors of such Debtor, Notice being affixed at the Court-house Door the Court preceeding such Application, to oblige such Debtor to become a Servant to any Person who shall employ him, and who shall find and provide necessary Cloaths, Meat, Drink, Washing, and Lodging for such Debtor, for so long Time as may be sufficient to satisfy and pay the Debt or Debts by him due or owing, or such Part thereof as can be raised by the Servitude of such Person, so as no such Debtor shall be obliged to serve longer than Seven Years; and the Money or Tobacco arising thereby, to be applied towards discharging the Claim or Claims of their Creditor or Creditors so applying, proportionably, according to their several Demands; any thing herein contained to the contrary, notwithstanding.

PROVIDED

PROVIDED likewise, and be it Enacted by the Authority, Advice, and Consent aforesaid, That notwithstanding the Discharge of the Persons of the Prisoners aforesaid, upon taking either of the Oaths aforesaid, (excepting such as shall make Satisfaction by Servitude) all and every Judgment now had and taken, or that shall hereafter be obtained, had and taken, against any of the forementioned Prisoners, by any of their Creditors, for any Debt or Debts, owing and remaining due from any of them, to such their Creditors, after such surrender and Distribution made as aforesaid, shall be and stand good and effectual in Law, to all Intents and Purposes, against the Lands, Tenements, and Hereditaments, Goods, and Chattles, that the said several Prisoners so discharged, as aforesaid, shall hereafter acquire, and come to the Possession of, and in their own Right only. And it shall and may be lawful, to and for the Creditors of the said several Prisoners, so discharged as aforesaid, their Executors, Administrators, or Assigns, to take out any new Execution, against the Lands, Tenements, Hereditaments, Goods, and Chattels of the Prisoner, or Prisoners, aforesaid, (his or their wearing Apparel, Bedding for his or their Family, and Tools necessary for his or their Trade or Occupation, and what may be necessary for their Subsistence, not exceeding the Value of Ten Pounds Current Money, only excepted,) for the Satisfaction of the Remainder of his or their said Debt, in such Sort, Manner, and Form, as he or they might have done, if the Person or Persons of the said several Prisoners, so discharged as aforesaid, had never been taken in Execution; any Act, Statute, or Custom to the contrary, notwithstanding.

A N D for the better Discovery and Application of the Lands and Effects, which such Debtors may after their Discharge, and by Virtue of this Act, obtain and acquire, according to the true Intent and Meaning of this Act:

B E it therefore Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That on Application of any Creditor or Creditors, of such Debtor or Debtors, to the Justices of any County Court in this Province, it shall and may be lawful, to and for such Justices, to compel such Debtor, or any other Person, if Resident in the County, by Summons or Attachment, to appear before them, and answer upon Oath, or Affirmation if a Quaker, to such Questions as may be asked them, which may conduce to the Discovery of such Lands or Effects; and the Answers to be made to such Questions, shall be recorded, in the Records of the County Court, where such Questions shall be asked; and shall be allowed as Evidence, in any Court of this Province, where any Suit shall or may be commenced or prosecuted, for the Recovery of such Lands or Effects, for the Benefit of the Creditors.

A N D be it further Enacted, by the Authority, Advice, and Consent aforesaid, That in case the Sheriff, or any other Person concerned in the Execution of this Act, shall be sued for any Matter or Thing required of them, or either of them, to be done, by Virtue of this Act, that then the said Sheriff, or other Person whom it may concern, may enter a common Appearance, without special Bail, to any such Action or Actions as shall be brought against them, or any of them, and plead thereto the general Issue, and give this Act, and the special Matter therein, in Evidence;

Evidence ; and that in case the Plaintiff or Plaintiffs commencing or bringing such Action or Actions, as aforesaid, shall be nonsuited, have a Verdict pass against him, or discontinue his Action, the Defendant shall recover against him or them, double Costs of Suit ; any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

B E it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That such Prisoner who shall not make a full and exact Discovery, upon any of the Oaths aforesaid, of his or her Debts, Effects, Lands, Tenements, and Hereditaments, as aforesaid, shall upon legal Conviction, be adjudged a Felon, and suffer Death, without Benefit of Clergy.

THIS Act to continue for One Year, and to the End of the next Session of Assembly, after the Expiration of the said One Year.

An ACT for the Relief of Anthony Parker, Patrick Ryley, and Cleborn Lomax, languishing Prisoners in Charles County Goal. Private.

A LIST of the Laws made this Session ; and the Pages they are printed in.

An ACT to continue the Process and Proceedings in the Provincial Court, and County Courts ; and for Tryal of Capital Offences, at the next Provincial Court, &c. Pag. 3.

An ACT for Emitting and Making Current, Ninety Thousand Pounds, Current Money of Maryland, in Bills of Credit, &c. Pag. 5.

A Supplementary ACT, to the Act for the Ordering and Regulating the Militia of this Province, &c. Pag. 22.

An ACT for laying out and applying Three Thousand Five Hundred Pounds, Current Money of Maryland, &c. Pag. 28.

An ACT to continue an Act, intituled, An Act for raising a Duty of Three Pence per Hogshead, &c. Pag. 29.

An ACT to empower the Inhabitants of Anne-Arundel and Prince George Counties, to make the main Branch of the River Patuxent navigable, &c. Pag. 30.

An ACT Reviving an Act of Assembly, intituled, An Act for the speedy and effectual Publication of the Laws, &c. Pag. 31.

An ACT for the Assessment of so much Tobacco on the Inhabitants of St. Stephen's Parish, in Cecil County, &c. 31.

A Supplementary ACT to the Act, intituled, An Act for laying out anew, Fifteen Acres of Land, Part of the One Hundred Acres of Land, formerly erected into a Town, commonly called Benedict-Leonard Town, upon Patuxent River, in Charles County, &c. Pag. 32.

An ACT for Erecting a Town at and about the Landing, called The Elk-Ridge Landing, &c. Pag. 33.

An ACT for the Erecting a Town near the Head of Monokin River, on the South Side thereof, in Somerset County, &c. Pag. 35.

An ACT for the Relief of Prisoners for Debt. Pag. 38.



or
a
ll
e,

be
a
er
d;
n-

xt

-
e.

e

7-
be

3.
s,

5.
g

2.
ed

8.
of

9.
ce

nt
o.

be
I.

of
I.

ut
d,

ed.
2.

ne
3.

r,
5.

8.